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Means of Evidence in the Abrogation Case

(A Comparative Study)

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وسائل الإثبات في دعوى الإلغاء

(دراسة مقارنة)

إعداد

"محمد علي" محمود خصاونه

بكالوريوس حقوق – جامعة القاضي عياض – مراكش – المغرب – 1983م

المشرف

الأستاذ الدكتور كريّم كشاكش

قدمت هذه الرسالة استكمالاً لمتطلبات الحصول على درجة الماجستير في تخصص القانون الإداري – جامعة اليرموك – إربد – الأردن

وافق عليها

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تاريخ المناقشة

2014/7/23

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الإهداء

إلى روح والدي رحمه الله

إلى والدتي الحنون

إلى زوجتي وأولادي

إلى إخوتي وأخواتي

إلى كل طالب علم وباحث عن الحقيقة

أهدي هذا الجهد المتواضع

ƘƟƒƓǁƐ

ǇǰǋǇƬƣ ƳǊǰǅƟǄ "Ǐ ǂY ƳǅǄƟǄ"

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ƥĭƣƨƗǁƐǋ ƥǀ ƪ ǁƐ

ǈƒĂùƙŏ ǅù! ĭ Ʀ!ƒ ţ ǂǴTǂ ǅǊƧǂ ƧĂƙǂƥ!ƒ ƦǴƙƪŰƒ ýưǴ5!ƒ ĭƦǴƙƪǅ Ĭ!ǫ ýŏƨƞ!ƒ ƧǂT!Ǵ ǅƥǀƙǅ

.ƧŏƥǀƙƒĂ ǅƒƧƙơŬƒ ýǂ ŎǈǆǅƝ5 .Ƚ!ǴƪƧ!ƒ ǉƦǋ ƨǴƞǉŰ ƥŏ5ǆ ĂǋǴ ǆ ýǂǔ ŎƙƥǴ5ǫ ǈƵ

:ǅǋĂ ǂTƿǴǉǆ!ƒ ǂǉƞ! ǴưƵǅ Ĭ!ǫ ýŏƨƞ!ƒ ƧǂT!Ǵ ǅƥǀƙǅ Ǵǆǂ

- ƒŰƪƙǴƦ !ƥǂƙĂƧ ƪǀǆŏǆǴǈ ǔƱǴƧƪǈǋ .

- ƒŰƪƙǴƦ !ƒǆǴƪƵƥ !ƥǂƙĂƧ ǔƪǴǅ ǅĂ ƧǆŏǀǋƝ .

.ýǆƨ!ƒ ƒƦǋ ƨǴƞǉǫ Ŏ5 ǅǋǴƪ ǈǆ ýǂ Ĭ!ǫ ƧǂT!Ǵ ǅƥǀƙǅĂ

وآخر دعوانا أن الحمد لله رب العالمين

ƘƟƑǴǁƐ

ǉǆǋƑTǇ ǫǋǆƟǅ "Ĭ ǂY ǫǅƟǅ"

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ŎǖǤǈƑķƪŰƒ ǈǋƶƱǚ! ƾŏƧƱ ƥĂƞĂƀ ǋǆǚƶ! Ƚ!ƒƥƵĂ Ƚƿƥ ƧƛƚƒĬ!ĂǕƒ ȽƞƧƥ!ƒ Ŏưǥƿ ýƶƞ Ĭ!ǫ Ƚ5ǤưŰǤƀ

.Ƚƞƨƥ ĬǚƵǅ Ƚǆƚơǆ ǅǤǆǅ ǋǆƚơ Ŏ5 ŎƑǤǌǈ!ƒ

:ƀƨƐƥƣǁƐ ƀĭǁƑǀƪƋ

ǈǇĂǈǤƿ ǈǆư ĭƨƒƥŰƒ ƘǤƀƛŰƒ Ƚ!ǡƪǆ! ƳƧƬǆ!ƒ ǅŏƱǈķ ǅƥƵ Ŏ5 ȽƪƒƧƥ!ƒ Ƚŏ!ǤƚƬǫ ǈǆƚķ

1992 Ƚǈƪ! 12 ǅƿƧ ƦǤǈ!ƒ ǤŏǚƶƩ!ƒ ýƥƶ!ƒ Ƚǆƚơǆ ǈǇĂǈǤƿ Ŏ5 ǇƧǤƬŰǤƀ ǇǤƾķƚŰƒĂ ýƬƽǆĂ ƒ ǤƤ

ƳĂưĂǆ! ȽǆƱǈǆ!ƒ ȽŏǈĂǈǤǀ!ƒ ƒ ĂƬǈ!ƒ Ŏ5 ǤƸƒƧ5 ƾǚƤ ǤǆŏǆǤǆ ƘǤƀƛŰƒ ƒ Ƥŏ ǤǆŏƱ ǅǤƚơŰƒ Ʊƶƀ!

ǈŏƀ ǈƨƒĂķ!ǤƀýŭƤƒǤǌǈƵ ǋķǈŏ Ŏķ!ƒĂ ȽƶƪƒĂ!ƒ ǇƧƒƥŰƒ ƘǤƱǚƪ Ŏ5 ǤưŏǅǈǆƚķĂ ĭƨƒƥŰƒ ƘǤƀƛŰƒ

.ȽŏƧƒƥŰƒ Ƚǆƚơǆ!ƒ ǅǤǆǅ ƘǤƀƛŰƒ Ŏ5 ȽƀĂƶƬ Ŏ5 ƥŏƨŏ ăĂƵƥ!ƒ Ŏ5ƧƱ

:ƀƨƐƥƣǁƐ ǇŰǅƑƨȽ

-1 ǤǆŎǌ ýƑǤƪĂ ƘǤƀƛŰƒ Ŏķ!ƒ ƘƥƧĂ ǈǆưǈǇĂǈǤƿ Ƚǆƚơǆ ýƥƶ!ƒ ǤŏǚƶƩ!ƒ ǅƿƧ 12 ǅǤƶ! 1992Þ

ǤǆĂ ăƥǆ ǤǌķŏǤƽƚÞ

-2 ǤǆĂǅ ǋƀƬ!ƒ ǋƞĂǅ ƨǖķƤŰƒĂ ǈŏƀ ýƑǤƪĂ ƘǤƀƛŰƒ ĭƨƒƥŰƒ ýƑǤƪĂĂ ƘǤƀƛŰƒ ŎǈƥǆƩƒÞ

-3 ǤǆĂǌ ƨŏƛǇ ƨĂƥ!ƒ ŎƀǤƞŏŰƒ ŎưǤǀǚ! ĭƨƒƥŰƒ Ŏ5 ǆƪƒ!Ƚ Ŏ5 ƘǤƀƛŰƒ Ŏ5 ƥƵĂă ŰǤƷ!ǤǇÞ

-4 ǤǆĂǅ ƨŏƛǇ ƨƒ!ǡƪǚƱǤƘ ƒ!ĂƪƶȽ !ŰƥƒƨǇ ƵǚĬ ǆĂưĂǆ ƘǤƀƛŰƒÞ

-5 ǤǆĂǅ ƨƒ!ơǤƞȽ ƒ!Ĭ ƒŏƞǤƥ ǈǇĂǈǤƿ ǆƪķƚý !ŰƛƀǤƘ Ŏ5 ƥƵĂă ŰǤƷ!ǤǇÞ

:ƀƨƐƥƣǁƐ ƀĭǁǅǋǆǅƵ

ǆƵķƥ ǌǈƦǈǈ ȽƪƒƧƥ!ƒ ƵǚĬ ŰƪǚĂǈ ƒ!ĂƬ5Ŏ ƸƚǚŏǚĎ ĂƒǚƵƧǈǈ ǆǈ ƤǖĂ ȽƪƒƧƥ

.ȽƪƒƧƥ!ƒ ǆưĂƵǆ ƬƒǚȽ ƘƒƦ ȽŏǌǈǤƚ!ƒ ŰƚƧƒǇ ǤưǤƚ!ƒ ǅǤƚơǆĂ ȽŏǈĂǈǤǀ!ƒ ƒ ĂƬǈ!ƒ

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-1 [illegible]

[illegible] 12 [illegible] 1992 [illegible] 30 [illegible] 1952 [illegible]

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[illegible] 25 [illegible] 1968

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-2 [illegible]

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[illegible] (12) [illegible] 1992 [illegible] 22 [illegible](1889 [illegible]) [illegible]

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-3 [illegible]

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- [illegible]
[illegible] 45 [illegible]
.([illegible] 1952 [illegible] 30 [illegible]

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- [illegible] 53 [illegible]
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.hŭĞƑŧǀǀɛ hǀǁɋŬɛ :üNjŬɛ üƬƻǁɛ

. ĭ ƧƒþŰƒ ƘĞhλŰƒ Ŏ5 ĞdžnjkŏɳƠǍ ŧŏþĞʑ!ƒ þĞǈʅǕƒǍ ŧŏdžʅƧ!ƒ þĞǈʅǕƒ :üNjŬɛ ƘƟĞDžǁɛ

.ƘĞhλŰƒ Ŏ5 ĞnjkŏɳƠǍ ŧŏdžʅƧ!ƒ þĞǈʅǕƒ :ýǍǕƒ Ɣǁ℧dž!ƒ

.ƘĞhλŰƒ Ŏ5 ĞnjkŏɳƠǍ ŧŏþĞʑ!ƒ þĞǈʅŬƒ :ŎǈĞλ!ƒ Ɣǁ℧dž!ƒ

. ĭ ƧƒþŰƒ ƘĞhλŰƒ Ŏ5 ĞnjkŏɳƠǍ ŧŏƧƒþŰƒ ƽƒƧǍǕƒ :ǏdžƑkǁɛ ƘƟĞDžǁɛ

.ĞnjkƒƨŏdždžǍ ŧŏƧƒþŰƒ ƽƒƧǍǕƒ ƳƒǍǈD :ýǍǕƒ Ɣǁ℧dž!ƒ

. ĭ ƧƒþŰƒ ƘĞhλŰƒ Ŏ5 ŧŏƧƒþŰƒ ƽƒƧǍǕƒ ŧŏɳƠ :ŎǈĞλ!ƒ Ɣǁ℧dž!ƒ

.℧Ǎ℧Ƥ!ƒ ƽŏǀƠkǍ ĈĞʓ!Űƒ ăǍƵþ Ŏ5 ŧŏhĞkǂ!ƒ ŧ!þǕƒ Ŏ5 ƧŏǍƨk!Ğh ɏ5þ!ƒ : ŧ !Ğλ!ƒ Ɣǁ℧dž!ƒ

.Džəɛþƽǁɛ :ǏdžƑkǁɛ üƬƻǁɛ

.ŧŏǈǍǈĞǀ!ƒ ǇƑƒƧǀ!ƒ :üNjŬɛ ƘƟĞDžǁɛ

.ĞnjdžĞʅpDǍ Ğnj ƮƑĞƮƤǍ ŧŏǈǍǈĞǀ!ƒ ǇƑƒƧǀ!ƒ ǇĞǂƧD :ýǍǕƒ Ɣǁ℧dž!ƒ

.ŧŏǈǍǈĞǀ!ƒ ǇƑƒƧǀ!ƒ ýĞɳdž Ŏ5 ŧŏǁdžƵ ƘĞǀŏh℧k :ŎǈĞλ!ƒ Ɣǁ℧dž!ƒ

.ŧŏƑĞưǀ!ƒ ǇƑƒƧǀ!ƒ :ǏdžƑkǁɛ ƘƟĞDžǁɛ

.Ğnj ƮƑĞƮƤǍ ŧŏƑĞưǀ!ƒ ǇƑƒƧǀ!ƒ ǇĞǂƧD :ýǍǕƒ Ɣǁ℧dž!ƒ

.ŧŏƑĞưǀ!ƒ ǇƑƒƧǀ!ƒ ýĞɳdž Ŏ5 ŧŏǁdžƵ ƘĞǀŏh℧k :ŎǈĞλ!ƒ Ɣǁ℧dž!ƒ

. ă þɛɋǕɛ ǀ ƑĞkǖǁ hǀĭƽĭƽƟŧǁɛ üəƑƨ Njǁɛ :ƘǁƑkǁɛ üƬƻǁɛ

.ƧƒƧpŰƒǍ ƔƒǍɳkʅŬƒ :üNjŬɛ ƘƟĞDžǁɛ

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.ƔƒĂŋƙƪŬƒ :ýĂŰƒ Ɣǐ̈Ʊǆ!ƒ

.ƨƒƨpŰƒ :ŎǈƓƛ!ƒ Ɣǐ̈Ʊǆ!ƒ

.ƖƥƓǌƬ!ƒĂ ƖƨƕƤ!ƒĂ ƗǈŏƓƺǆ!ƒ :Ĭǆƒƙǁ ƘƟƓǅǁ

.ƖƨƕƤ!ƒĂ ƗǈŏƓƺǆ!ƒ :ýĂŰƒ Ɣǐ̈Ʊǆ!ƒ

.ƖƥƓǌƬ!ƒ :ŎǈƓƛ!ƒ Ɣǐ̈Ʊǆ!ƒ

.(Ɩ ƒĭƬ ǋƗǁǋ Ɩ ƒƜƒƗǆƗ ƨŰƐ) ƕǅǇƗƒƝǁ

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(1) .20[illegible]19 [illegible]

(2) [illegible] 1956 [illegible] .14

(1) 1997، ص18.

(2) 1987، ص4.

(3) 1992، ص86.

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[illegible]

[illegible] .[1]

[illegible] .[2]

[illegible]

[illegible]

[illegible]

[illegible] :[illegible]

[illegible] :[illegible]

[illegible] .[3]

(1) [illegible] (85/686) [illegible] 1987 [illegible] 1896.

(2) [illegible] (85/169) [illegible] 1987 [illegible] 1884.

(3) [illegible] 1985 [illegible] 18.

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[illegible] [1] [illegible].

[illegible]

[illegible] [2].

[illegible] [3].

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(1) [illegible] 1977، ص 317.

(2) [illegible] ص 29.

(3) [illegible] 1985، ص 15. [illegible] 1950، ص 15.

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[illegible]

[illegible] .[1][illegible]

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[illegible] [2] [illegible]

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[illegible] .[3][illegible]

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(1) [illegible] 1996 [illegible] 397.

[illegible] 1986 [illegible] 317.

(2) [illegible] 1988 [illegible] 165.

(3) [illegible] 1976 [illegible] 33.

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ƒ ǉùŏ Ďù! ÜŃƙǘŏƥƶƙĂ 1972 Łǉʅ! (47) ĎƿƧ ĭƧƬďž!ƒ Ł!Ăƥ!ƒ ƩǁƞďžǈĂǉĜƿ ǈĦ5 ǁ!ŖǂĂ

Ƨŏƣùơƙ ýƑĜùʅĂ Ʋžƅ ĬǁƵ ƒ ǉĂ ÜŁŏƑĜǉƞ!ƒĂ Łŏǉƥďž!ƒ ǈŏǉƒĂǀ!ƒ ƩǂžƅƘĜƕλǘ! Łǉŏžďž ƭƧƱ ĬǁƵ

ƖƥĜùďž!ƒ ƘƬùǉ ƥǀ5 ÜŁŏʅǉƨ5!ƒ ŁŏǉĂǉĜǀ!ƒ ƒ ĂƬǉ!ƒ ŎŇǈ Ĝďžǂ Ł!Ăƥ!ƒ ŎƣĂ5ďž ŁƑŏŇǈ ýƕƿ ǈďž ăĂƵƥ!ƒ

ƒ ĂƬùǉďž!ƒ ƘƒĈƒƧùƞŰƒ ƭƕƱƙ" ǈĎ ĬǁƵ ĭƧƬďž!ƒ Ł!Ăƥ!ƒ ƩǁƞďžǈĂǉĜƿ ƧƒƥƬƍ ƧƒƧƿ ǈďž ŁλĜλ!ƒ

ƧƥƬùŏ ǈĎ Ĭ!ƍ ǁ!ŖĂ ƒ ǉ Ńŏ5 ƥƧŏ Ď! ĜďžŏƼ ƘĜƶ5ƒƧďž!ƒ ǈĂǉĜƿ ĎĜǂơĎ ƭƕƱƙĂ ǈĂǉĜǀ!ƒ ƒŖŇǈ Ŏ5 ĜŋǰŏǁƵ

.[1]"ŎƑĜƣǀ!ƒ Ďʅǀ!Ĝƕ ŁƬĜƤ!ƒ ƘƒĈƒƧƞŰĜƕ ǈĂǉĜƿ

1952Łǉʅù! (30) ĎùƿƧ ŎǉƥƧǕƒ ƘĜǉŏƕ!ƒ ǈĂǉĜƿ ƭƕƱ ƥǀ5 ĜŏǁƵ!ƒ ýƥƵ!ƒ Łďžǂơďž ĈĜƣƿ ĜďžĎ

ýùǙ Ŏ5 ŃƙǘŏƥƶƙĂ 1988 Łǉʅ! (24) ĎƿƧ ŎǉƥƧǕƒ Łŏǉƥďž!ƒ ƘĜďžǂĜơďž!ƒ ýĂƬĎ ǈĂǉĜƿĂ ŃƙǘŏƥƶƙĂ

ƔùƞŏŎùƙ!ƒ ƘƒĈƒƧùƞŰƒ ĬǁƵ ƒ ǉ!ƒ ǈďž 1992 Łǉʅ! (12) ĎƿƧ ĜŏǁƵ!ƒ ýƥƵ!ƒ Łďžǂơďž ǈĂǉĜƿ ĂǁƤ

ŁùŏƑƒƧƞŰƒ ƥùƵƒĂǀ!ƒĂ ŁŏʅĜʅǕƒ ƏƥĜƕďž!ƒ ýǂƬƙ ǈŏǉƒĂǀ!ƒ ǁƙ ǈĎ ƧĜƕƵĜƕ Ü[2]ƘĜƕλŰƒ ƒ ĂƬƤƕ ĜŋǰƵĜƕƙƒ

ƘĜďžǂĜơďž!ƒ ýĂƬĎ ǈĂǉĜƿ ƭŏƕƱƙ Ĭ!ƍ Ł5ĜƣŰĜƕ Ü[3]ĭƥĜƵ!ƒ ĈĜƣǀ!ƒ ĎĜĜďžĎ ŃƕýĂďžƵďž!ƒ ƘĜƕλǘ! ŁŏƵĂƣĂďž!ƒĂ

.1976 Łǉʅ! (43) ĎƿƧ ŎǉƥƧǕƒ Ŏǉƥďž!ƒ ǈĂǉĜǀ!ƒĂ ŃƙǘŏƥƶƙĂ 1961 Łǉʅ! (9) ĎƿƧ ŁŏƑƒƨƞ!ƒ

ĜŏĜƣǀ!ƒ ŁƶŏƕƱ ĎǉƑǘŏ Ĝďž ĂŇǈ ƘĜƕλŰƒ ŁŏƧơ ĂĎ Ƨơ!ƒ ƘĜƕλŰƒ ƔŇǉŖďž ǈĦ5 ƭƕʅ Ĝďž ĈĂƣ Ŏ5Ă

ƒ ĜƤ ýǂƬƕ ƘĜƕλŰƒ Ŏ5 Ƨơ!ƒ ĭƧƒƥŰƒ ŎƣĜǀ!ƒ ƧĂƥ ƨƧƕŏ ǂŏơ ŁŏƑĜǉƞ!ƒ ĜŏĜƣǀ!ƒ Ŏ5 Ĝďžǂ ŃŏƧƒƥŰƒ

.[4]ăĂƵƥ!ƒ Ŏ5ƧƱ ƧĂƥ ĬǁƵ ǉƧĂƥ ĬƺƱŏ ǂŏơ ĎĜƵ ýǂƬƕ ŁŏƧƒƥŰƒ ăĂƵƥ!ƒ Ŏ5Ă

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(1) ŁŏƧƒƥƍ ĜŏǁƵ ÜŁŏƧƬďž ǈƶƱ ĎƿƧ (760) Łǉʅ! (ƭ 34) Łʅǁƞ 1980/11/18.

ŁŏƧƒƥƍ ĜŏǁƵ ÜŁŏƧƬďž ǈƶƱ ĎƿƧ (569) Łǉʅ! (ƭ 39) Łʅǁƞ 1986/1/11.

(2) ýƥƵ ÜĜŏǁƵ ƧƒƧƿ ĎƿƧ (87/148) .32 ƒ Ü1991 Ü2 Ü1Y

(3) ÜǈĜžǉǂ Ü2 ƒĂǉ ÜəƑƨŇǈ Ŏ5ƥƶǕ ƥùǁƞďž ÜŁùŏǉƥƧǕƒ Łžďž ĜƞƘ ÜƘĜʅƒƧƥ

Ü26 ƥƥƵ Ü1 Ü1999 ƒ .40

(4) ĎǁƤ ÜĬʅĂďž ǉƥďžơĎ ÜýĜďžǂ ÜǈŏƥƑ! .42 ƒ ÜƭƕĜʅ

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[illegible]

[illegible]

[illegible] .[1]

[illegible] .[2]

[illegible] .[3]

[illegible]

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(1) [illegible] 43.

[illegible] 2000 [illegible] 48.

(2) [illegible] 1978 [illegible] 431 [illegible] 441 [illegible] 49.

(3) [illegible] 1966 [illegible] 632.

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.(1) ...

(2) ...

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(1) ... 43 ... .44

... 48 ... .49

(2) ...
... 3 ... 1991 ... 236 .

[illegible] (1) [illegible]

[illegible] (2) [illegible]

[illegible] 1992 [illegible] (12)

[illegible] "...." [illegible]

[illegible] (3) [illegible]

[illegible]

(1) [illegible] 2011 [illegible] 600 – 601.

(2) [illegible] 50 – 51.

[illegible] 2002 [illegible] 28 – 29.

(3) [illegible] (97/181) [illegible] (10 – 11) [illegible] 1998 [illegible] 3769.

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[illegible]

[illegible]

[illegible] .[1][illegible]

[illegible]

[illegible]

[illegible]

[illegible] :[illegible]

([illegible]) [illegible] :[illegible]

[illegible] ([illegible])

(1) [illegible] 2009 [illegible] 2010 [illegible] .11

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Cű ù ǂĂ yƪǆǆŏ Ǖ ŎǶǤǩǂ!ƒ ĂƊ ŎƱƤ!ƒ yǹǤƱ!ƒ Ǉǂ!Ă ǈ ăĂƵþ!ƒ ƻǈǆǆ Ŏ5 ǂǨǵǤǷ ǂŏƱƤ ƘƒƧǂƦǆĂ ƠƒƒĂ!

ǇƊ ƱƧƬùǶ ǂùŏǇĂǇǤǀ!ƒ ýƑǤƖǆ!ƒ Ưƶǵ Ơŏ ưĂƙĂ ǂŏĂ5Ƭ ƘǤƲơűǆ Cƒþǵ ǇǆǆǇŏǆǤơǆ!ƒ ǇǆǆǇǆĂƮƤ!ƒ

ƘƒCƒƧƞŰƒ ƨŏǆǆŏ Ǥǆǆ ƒƦǋĂ ǗǤǌ! þŏþƞ ĭƊ ǂ5Ǥưƣ ǇĂþ ǂǶĂǩǂǆǆ!ƒ ƘƒƧǂƦǆǆ!ƒ ǋǩǇǆǆ ưǩ Ǥǆǆǵ ǂǈƮǩǆǆ ǇĂǂǩ

ƻǤù ưƊ ǂùŏƧƒþŰƒ ƘƒCƒƧƞű! ŎǶǤǩǂ!ƒ yǹǤƱ!ƒ Ǉǂ!Ă ǂŏĂ5Ƭ!ƒ Ĭ!ƣ ǋƞǩǩ Ŏǩ!ƒĂ ǂŏǇþǆǆ!ƒ ǇƵ ǂŏƧƒþŰƒ

.[1]ǋǆǆǤǂơƊĂ ĭƧƒþŰƒ ƘǤǶǷŰƒ þƵƒĂǀ! ǂŏƒƒƧƞŰƒ ǂŏƮĂƮƤ!ƒ Ưƶǵ

ơǰŏƧǤùǩǵ Ǥùǌ! ǆǆù ǂơ Ŏ5 ǂŏƧƮǆǆ!ƒ ǤǈǆǆƵ!ƒ ǂŏƧƒþŰƒ ǂǆǆǂơǆǆ!ƒ ǂŏƮǤƤ!ƒ ǇƦǋ Ĭ!ƣ ƘƧǤƬƊ þƿĂ

Ɗþùǵǆǆ Ĭùǈ Ƶ ǆǆĂù ǀŏ ....ǂù!Ăþ!ƒ Ʃǈƞǆǆ ǆǆŏƯǇǩ Ŏ5 ŎƑǤư ǀ!ƒ ǆǆǤƯǇ!ƒ Ǉƣ" Ƙ!Ǥƿ ǂŏơ 1964/3/22

ǂ́ùǵǤǩǂ ǆǆǌǩƒƧǂƦǆǆ ƒĂǆǆþǀŏ ǇƊ ǇǆƬ!ƒ ĂĂƦ yŏƱǩƖŏ ǂƱǵ ưǇǆǆ ǀþơǆǆ þŏƵƒĂǆǆ Ŏ5 ǂŏƧŏƧơǩ!ƒ ƘǤƶ5ƒƧǆǆ!ƒ

.[2]"......ǆǆǌǩƒþǇǩƖǆǆ yǆǆ

(ăþǋƮΘ) ĬǇƑǈǋ ƯǤƑƯ ǀƐƤ ǀƐƀƐþǈ :ƒĭǆǆƑǩ

ƘǤùǆǆĂǈƶǆǆ ǋŏþ! ǇĂǂŏ ǇǆǵƖ ǂơǈƮǆǆ ĂƦ ƒ ƤƬ ý ǂ! ƭơ ǋǇǆǵ ǂŏǋǤƞĂ!ƒ yǹǤƱ ƻŏƧƶǩ ǇǂǆǆŏǆǆŏÆ

ǇùǆǆƻǈǆǆŏƎ Ŏ5 Ǥǆǆ ýǂǵ ǂŏ5Ǥǂ ǀþǆǆ ǇǆǆưǈƸűǶǆǆ ýűƤ ǇǆǆǈǇ!ƦĂ CǤư ǀ!ƒ ăþ! YĂ5ƧǆǆƎ! YƒƨǇ!ƒ ǇƵ

þƧù!ƒĂ ǤǌǩƬþǤǇǆǆ ǋ! ĬǇƖǩŏ Ĭǩơ ǂ!ǤǷ ƒ ƤƬ ĭƊ ĂƊ ǋǆǆƮƤ ýǵþ Ǉǆǆ Ƙǆǆþþ CƒĂƖ ǋǵ ƭǈƶǩǩ ƭƑǤǷĂ

. ǁ!Ʀ ƧǆǆŰƒ ƔǈƱǩ ƒƦǵ ǤǌŏǈƵ

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(1) ƬĭĂǤǇƱƬ Ǘǈ Ƶ ŎǈƱƤ ǗƧǤƱƤ ǵYǋƨǋǆǆ ǀƐǋƮƭǁǁƐ ƀƑƮƭǁǁƐ ŰƐǈþă Ǘ ǆǆƧƞy ƖǤǵƭǗ 520 Ă521.

ǗǆǆǌǆǆŎ ǆǆƮƱ5Ĭ ǗǶĂƨŏþǗ ǆǆĂƮƭǁǁƐ ƀƑƮƭǁǁƐ ŰƐǈþă ǋǆǆƮƵǂƧ ƐǁǁǈǋǗǵ ǗƧǆǆ!ƒ ƞy ǗƖ!ǤǵƭǗ ƒ 581.

Ƈ!ƱǆǆǤĂ ĭǗ ƖǤǆǆŏǆǆǈ ǗǆǆǤǆǆǇǗ ǀƐƮƭǁǁƐ ƀƑƮƭǁǁƐ ŰƐǈþă ǗƒǂǤƔ ǗƒŰĂý ǗþưǤC Ʀƒ!ŰƒǗ ƧþƒƧǂ!ƒ ǗƶǤǶŎǗ 1976ǗƒƒǇ 943.

(2) ǆǆǵǤƬĂþĭǗ ƒƠǆǆþ ǗǤŏǗ ǈǈǁǁƐƒ ǆǆƮǋƐǆǆ ǈǵYǋƞ ǀƐǈþƖ Ĭ ǂ ǁƐǂǁƐ ƒǁƐƨǁǁƐǆǆ ƐǁƐƮƭǁǁƐ ƐǁƐƒǁþǆǆþƐ ǁƐǵþĭǗ ǆǆƮǵþǗĭ ƒ 1017.

ǆǆĂƖĭ Ǘǆǆơþ ǂǆǆǤý ƒ!þŏǈǁǗ ǵþĭǵ ǁƐŰǤǆǆƒǀ ƞĬ ǁƐƑǋǆǆƒǆǆ ǆǆƮƭǁǁƐ ŰƐǈþă ǆǆƧƞy ƖǤǵƭǗ ƒ 124.

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[illegible]

[illegible] .[1]

[illegible] .[2]

[illegible] .[3]

[illegible]

[illegible]

(1) [illegible] 518.

(2) [illegible] 208.

(3) [illegible] (801) [illegible] (8) [illegible] 1966/3/27 [illegible] (2) [illegible] 956 [illegible] 209.

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ֆùŏlơk ƻþnjŀ ƒ ƠƤ ý‡Ƭŀ ƘƠŀƛŰƒ Ŏ5Ă ǊƠƵ ý‡Ƭŀ ăĂƵþ!ƒ Ŏ5 ŎŀƠƞŏŰƒ ljƧĂþŀ ǊƠŏl!ƒ LJǆ ǋƙLj‡ǆ

(1):ŎNj ƒ ƑƠƬƤ!ƒ ljƦNjĂ ÜăĂƵþ!ƒ Ŏ5ƧƱ LJŏŀ LJƨƒĂk!ƒ ƚþƠƵƍ

ăĂƵþù!ƒ Ŏù5 ƘƠùŀƛŰƒ ƇƔùƵ ƠljNj Ŏư Ơl!ƒ Yƨ Ăŏ ƚŏơ : ĬƠƑƜĩŰƐ ăþƐƣŰƐ ĬƬƑֆƐ þNjƣ :ŰNjƈ

Ŏù ư Ơl!ƒ Ƨùŏƛŏ5 ÜŎLjþǆ!ƒ Ŏư Ơl!ƒ Ơǆ‡ ƠŏŀƖ Ů ƠŏŀƠƞŏƍ ǋ5pĂǆ LJĂ‡ŏĂ ƠnjlŏlơkŀǊĂlŏĂ ƚŏƧƒþŰƒ

ƚơƬ ùǆ!ƒĂ ƚ5Ƭ ù!ƒ LJǆ Ƙŀƛk!ƒ ýƛǆ ÜǋƖ5Lj ƇƠlk LJǆ ǊƠƶ!ƒ ǊƠƱLj!Ơŀ ƚlƶkǆ!ƒ ýƑƠƖǆ!ƒ ĭƧƒþŰƒ

.ǊƠƶ!ƒ ǊƠƱLj!ƒ LJǆ ǁ!Ʀ LJƠ‡ Ĭkǆ ǊþƠlk!Ơŀ yƼþ!ƒĂ

LJŏùŀ ĭƧƒþŰƒ ƇƠư l!ƒ Ŏ5 ƘƠŀƛŰƒ ylŏ : ăþƐƣŰƐ ƀƑƬֆƐ Ĭƺ ƲƠƚƉƐ ƖƑƠkŰƐ ƒ ljƤƉ ƘĭƟ ǊƉ :ƑĭǆƑk

Ŏư Ơl!ƒ Ǌ‡kơŏ ĭƦ!ƒ ŎƵƠljpŰƒ ĂǋƧơ!ƒ ƘƠŀƛŰƒ ƔNjƦǆ LJŏŀĂ ƚLjŏƶǆ ƚ!þǆŀ þŏlǆ!ƒ ƘƠŀƛŰƒ ƔNjƦǆ

ǋùLjǆŀ ƨƠkǆŏ ĭƧƒþŰƒ ƘƠŀƛŰƒ ƔNjƦǆ LJǋ ĭǋ ÜƘƠŀƛŰƒ Ŏ5 ƚþþơǆ ƚŏƖĂŀ þŏlk!ƒ LJĂþ ǋkƵƠlj! ǋŏ5

.þŏlǆ!ƒ ƘƠŀƛŰƒ ƔNjƦǆĂ ǋơ!ƒ ƘƠŀƛŰƒ ƔNjƦǆ LJŏŀ yǆƞŏ ƱǋkƤǆ ƔNjƦǆ

ֆƒƧĂŰƒ Ŏù5 ƚùǋƛǆkǆ!ƒ ƚù!þŰƒ Ĭùǋƶ ƨ‡Ƨŏ ǋLjǋ ĬLjƶǆŀ : ĬYNjƬNjǆ ƖƑƠkǆ ăþƐƣŰƐ ƖƑƠkŰƐ :ƑkǁƑk

ƧĂþŏ ƠǆĂ LJŏ5ƱĂǆ!ƒ ƚƧ‡ƒƦ ĬǋƵ ƚƧƒþŰƒ þǆkƶk ŰĂ ÜýƠơ!ƒ yþƒĂ LJŏŀk ŎkƒĂ ƘƠ5ǋǆ!ƒĂ ƚŏƧƒþŰƒ

Ơùnjŀ Ʊ5kùŏơk ֆƑƠùƛĂĂ ֆƒƧĂǋ LJǆù ư ƧƒƧǆkƖƠŀ ǊnjƖƠǆƵǋ ֆƛĂk ƚŏơŀ ÜǊnjƖƠŏƖ5LjĂ ǊNjþǋƤ Ŏ5

Ů LJŏùǆŏ!ƒĂ ƧƒƧùpŰƒĂ ƚþƠnjƬù!ƒ ýƛǆ ƘƠ5ǋǆ!ƒĂ ֆƒƧĂŰƒ Ƨŏƺ ăƧƤǋ ƘƠŀƍ ƚ!þǋ Ĭ!ƍ ƇĂƞǋ!ƒĂ

.ֆƒƧĂŰƒĂ ƘƠ5ǋǆ!ƒ Ŏ5 ƚǋƛǆkǆ!ƒ ƚŏƵĂưĂǆ!ƒ ƚ!þŰƒ ýƠǆ‡kƖŮ ƇƠƇLjƛkƖƒ Ůƍ LJĂ‡ŏ

ƇƒƧùƞƍĂ ƚùLjŏƠƶǆ!ƒ ýƛǆ : ƖƑƠkŰƐ Ĭƺ ŀƏƀþƑƲƐ üƏƑƨǊ‡ǁ ăþƐƣŰƐ ƀƑƬֆƐ ƒ þyƚĭ ƑǊ ƒþƣƑǆ :ƑyƠƐþ

Ŏù5 ƇƒĂùƖ þƒþùƵŰƒĂ Ƨŏư ơk!ƒ ƚǋơƧǆŀ Ƨǆk ƚŏƧƒþŰƒ ăĂƵþ!ƒ LJĂ‡ ǁ!ƦĂ YĂ5þ!ƒĂ ƚƧŀƤ!ƒ

ĭƧƒþŰƒ ƇƠư ù l!ƒ Ŏ5 ƘƠƖǋƞ!ƒ ýĂƒþƞ Ŏ5 ǊƠơþƨŰƒ LJƵ ǁŏNjƠLj ÜLJþƧŰƒ ĂǋƧƬǆ ĂǋƠƖLjƧ5

ÜƚǋŏƠư ùƶ!ƒ .326-136 ƒ ÜֆŀƠùƖ yùƞƧǆ ÜăþƐƣŰƐ ƀƑƬøֆƐ ƚƐƀƐþƜƐ üNjƬƈ ÜýƠǆ‡ ĬƼƱƬǆ ÜŎ5Ƭ Ă (1)

.86-79 ƒ ÜֆŀƠƖ yƞƧǆ ÜƑĭ‡yƐ üƣyƐ ŀǆlƟǆ !ƑǆƇ ƖƑƠkŰƐ Ĭƺ ƑNjƚĭƜƟNj ǊƏƐþֆƐÜǋ!ƠƖ

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ƗùŏŖŏƽǉķ ƘƒƧƒƧƥ ƧƒƥƮƺ ƽơǍ ÜƗƮǴƤ!ƒ ƘƒƧǴƖƺ!ƒ ǏƖƵ ƇǙŏķƪǗƒ ƽơǍ ƥƒƧƽǕƒ ǇƵ ǼƧƕƞ ƗŏǂƖǆƺ!ƒ

:Ŏƽ ƗƖǺǆķǆƺ!ƒǍ ǐƧƒƥǗƒ ƘǴƕǺǗƒ Ŏƽ ƧƮǴƕǆƺ!ƒ ƧǺǕƒ ƘƒƦ ƘƒƨǴŏķǆǙƒ Ǵǉǋ ƴǍǴǉķǉƪǍ ÜƗǆƨƖǆ

ƘƒƧƒƧùƖƖ! ƧùƮǴƕǆƺ!ƒ ƦùŏƽǉķƖƒ ƨǴŏķǆƺƒǍ ƖƧƥǴƕǆƺ!ƒ ƨǴŏķǆƺƒǍ ÜƗŏƧƒƥǗƒ ƽƒƧǍǛ! ƖƧƒƥǗƒ ƖƨǴŏơ

.[1]ƗŏƧƒƥǗƒ ƘƒƧƒƧƖ!ƒ ǴǌǉƕƔ ƴķǆƺķķ Ŏķ!ƒ ƗơƮ!ƒǍ ƗǆǙƪ!ƒ ƗǉŏƧƥ ǅƺǺ ÜƗŏƧƒƥǗƒ

ƕǐƥƐƍǕƐ ƽƐƥǋǙǁ ƴƥƐƍǕƐ ƴƦƑǐƟ :ǗǋƈƏ

ƖƧƒƥǗƒ ƯƽķùơķƗ ùŏơ ƗùŏƧƒƥǗƒ ƴǴùǆƵǕƒ ƴŏǆƞ ǏƖƵ ƗƕƖǴƺ!ƒ ŎǋƏ ƗŏƕǴķǂ!ƒ ƗƽƮ!ƒ ƧƕķƵķ

ƗùơǴķǆƺ!ƒ ƘǴƽǉƮùǆƺ!ƒǍ ƽƒƧǍǕƒǍ ƘǴƽƖǆƺ!ƒǍ ƘǙƞƪ!ƒ ŎǋƏǍ ƗŏƧƒƥǗƒ ǴǌķƧǂƒƦ ƴǺǆķ Ŏķ!ƒǍ ǴǌƥƒƧǍƐǅ

Ǐǆƪùķ ǉƦùǋƏǍ Üǐ ƧƒƥǗƒ ƴùǆƺ!ǴƕƗùƖƖƺķǆƺ!ƒ ƴƑǴƥǍ!ƒ ǐǍķơķǍ ǅǋǉǉƵ ƧƥƮķ Ŏķ!ƒ ǍƉ ǴǌŏƥƖ ǇŏƖǆǴƺƖ!

.[2]ƗŏƧƒƥǗƒ ƽƒƧǍǕƒ

ǏùƖƵ ǅǍƖŏ ǐƧƒƥǗƒ ǅǴƯǉǉ!ƒ ....." :ǴǌǉƍƥƗŏƧƮǆƺ!ƒ ǴǍƖƺ!ƒ ƗŏƧƒƥǗƒ ƗǆǂơǆǄǄ! ǅǂơǋ ƇǴƞ ƥƥǍ

ǇŏùƕǉƑƒ ǴƮķƤǗƒ ƴŏƨǍķǍ ǐƧƒƥǗƒ ƴǆƺ!ƒ ƇƒƥƉ ƘƒǍƮƤǍ ƘƒƇƒƧƞǕ ƽƕƪǆƺ!ƒ ŎơǚǕ!ƒ ǅŏƯǉķ!ƒ ƉƥƕǆƵ

ƽǂǴùǺǍ!ƒ ƴùŏǆƞƕ ǐƧƒƥǕƒ ǅǴƺ!ƒ ǅǴƯǉķ!ƒ ƘǴǍƯķǉǆ! ǇǉƕƟ ƖƧƒƥǗƒ ƯƽķơķǍ ǋǆǴǌǆǆƺ ƨǴƞǉǫ Ŏƽ ǇŏǉǆǴƺ!ƒ

ƘǴƵƨǴǉǆƺ!ƒ Ŏƽ ǅƪǴơ!ƒ ƧǆǕƒ ƘǴƽǉƖǆƺ!ƒǍ ƽǴǺǍ!ƒ ǉǋƦǋǋ ƥƵķǍ ǴǌǉƕǅƖķ Ŏķ!ƒ ƴǴǆƵǕǴƕ ƗƖƖƺķǆƺ!ƒ ƘǴƽǉƖǆƺ!ƒǍ

.[3]".....ƗŏƧƒƥǗƒ

ƧƮùǆǍ ǴƪùǉƧƽ Ŏùƽ Ɨ!ǍƥƒƑ ƩǉƞǆƖ ǇŏǉƒǍƥ Ƙǆƨ!Ɖ ƥƖƽ ƗŏǆǋƉ ǇǆƖ ƗŏƧƒƥǗƒ ƽƒƧǍǛ! ǴƖƒǍ

ǼùŏƽǉǍ ǍƉ ǼùƕǴƞŏƺ ǋƴķǴǺǍƺ Ŏƽ ƗƞķǉǆƺƒǍ ƗƵƨǴǉǆƺ!ƒ ƳǍưǍǆƕ ƗƖƖƺķǆƺ!ƒ ƘƒƥǉķƪǆƺƒǍ ƽƒƧǍǕƒ ƗƽǴƗ ǅŏƥƖķƕ

(1) ƒ!ƺưǴ ǗƗǉŏǴƪ ǗƗǆƖ!Ǵƪ ǆƼƥƥƖǆǚ ǋƑǍǍƏƗƇ ǇƕƒƾǉǍƖǕƐ Ǐƺ ƖƒǴķǕƐ ǄƦǆƖ! ƽƮƒƥ ǉƒǆƖƏƥǆ ǍƦǋǆƐ ǕƐǎƍǃƒǆ ǍƘƒƥǆ ƮƧǉǕ ǗƗǉǋƙǴ ƗǉƑ ǗƬƒ ص 60.

(2) ƒ!ƺƯǴƪǉƗǕ ƇǴƥ!ƗǕ ǍƦǋǆǅƘ Ǐƺ ƖƒǴķǕƐ ǆƥǆǋǴǋǍǅƒ ǕƐƦƒǈƉ ǍƘƒƥǆ ƮƧǉǕ ǗƗǉǋƙǴ ص 29.

(3) ƗƒƧǂƺ ƵǍǆƕ ǕƗŏƧƮǆ ƯƺƵ ƧƥǉƧ (1972) !ǋǗǍƗ (ص 30) ǕƞǆǆƗ 1991/11/24.

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ƠǃǴƮùǃ ƗùǈöƧp Ư5Ƨùǃƒ ǁǃƦ ǇĂǂö ƔǁƱǃƒ ǁǃƦ ǉƧƒþŰƒ Ư5Ƨ ƗǃǴơ Ŏ5Ă Üǁǃ Ʀ ǴǌǈǆǅǆƔǁƱ Ďkǆ

.[1]þƧƽǃƒ ŎƵþǆǃƒ

ǉþǴùǆǃ ƒ ƒ ǈŁ ƇǴƞ 1992 ƗǈƮǃ (12) ĎƿƧ Ǵöǁƶǃƒýþƶǃƒ Ɨǆǂơǆ ǇĂǈǴp ǇƎ5 ǇþƧŰƒ Ŏ5 ǴǆĎ

Ď ưklǆŁ ǉƒĂƵþ ƇǴƵþkƮƒ ƴǆ Ɨǆǂơǆǃƒ Ďǃǫ ŎƵþkƮǆǃƒ ǴǌǆþƖö Ŏkǃƒ ƗöƱƤǃƒ ƘǴǀ5Ƨǆǃƒ þƶk" ǋǈǆ (21)

."....ƗöƱƤǃƒ ǋkǴǈöŁǃ ǋǁǍǆǆ ǇĂǈǴǀǃƒ ƒƦǌ ǇǆĎ (14) ǉþǴǆǃƒ ĎǴǂơĎ

ƘùǈǴǂ ƒǫ ƗùǆǂǴơǆǃƒ ƇǴǈƿ ƗöƱƤǃƒ ƘǴǈöŁǃƒ ƔǁƱ Ŏ5 þƧƽǃƒ ŎƵþkƮǆǃƒ þƵǴƮö ǴǈǋǇĂǈǴǀǃǴ5

.Ǵǌǈö5 ƗöþƞǆǇĂǂkƮ ǴǌǈƿĂ ăĂƵþǃǴŁ ǉƧƬǴŁǆ ƗþǖƵ Ƙƒ Ʀ

Ŏùkǃƒ ƔǴŁùƮŰƒĂ ƴƑǴþĂǃƒ ƭǍĂkĂ ƧĂƮk Ŏkǃƒ Ƙƒ þǈkƮǆǁǃ ǛƵþĂkƮǆ ƧŁkƶk ǉƧƒþŰƒ ƘǘƞƮ5

ƗùǆǂơǆƘƧƧùp ǁǃƦǃ .[2]ǋkƵǴǈp ǇöĂǂk Ŏ5 ĭƧƒþŰƒ ŎưǴǃǃƒ ƗöƶƞƧǆ ŎǋĂ ƘǴŁǍǗǃ ǛơǆǇĂǂk

ĂĎ Ɨùǀ ǈöǍĂ ĂĎ ƗùpƧĂ ƗöĎ Ǉǆ ĂǁƤö ǋǈĎ ǇöŁkö ŎƵþkƮǆǃƒ ƗǆþƤ ƻǁǆƭöpþkŁĂ ...." ǋǈĎ Ǵöǁƶǃƒýþƶǃƒ

ŎƵþkƮùǆǃƒ ƗùǆþƤ ƻǁǆ Ŏ5 ƗǀöǍĂ ĂĎ ƧĂƮ ƗöĎ ĂĎ ƇǴƵþkƮŰƒ ƒƦǌ þĂƞĂ ĎþƵ ǇöŁk þǀ5 ...ǉƧǴƮǫ

.[3]ăƧƤĎ ƗǀöǍĂ Ŏ5 ƯƒƧkƵƒ ĭĎ þĂƞĂ Ďǃǫ ǉƧǴƮǫ ƗöĎ ǁǃƦǂĂ

Ŏù5 þƧƽǃƒ ŎƵþkƮǆǃƒ ǋƞƒĂk Ŏkǃƒ ƗŁĂƶƮǃƒ ǴöǁƶǃƒýþƶǃƒƗǆǂơǆ ĎǂơýǖƤ Ǉǆǆ ǴǈǋƧǌǙö5

ŎƵþkƮùǆǃƒ ƻùǁǆ ǋǈǆ ưùk ǴùǆŎǁƵƗǆǂơǆǃƒ ƘþǆkƵǴ5 ƭƒǴǍĂǃǴŁƧǆŰƒ ƭǁƶk Ɨöơ ǉƒĂƵþ ƘǴǌǍǫ

ƴùkǆkk ǛùöĂp ǛǆƮùƤ ǉƧƒþŰƒ ǇĂùǂk ŎǃǴkǃǴŁĂ ÜăƧƤĎ ƭƒǴǍĂ ĭĎ þǆkƶk ĎǃĂ ǉƧƒþŰƒ ăþǃ þĂƞĂǆǃƒ

.ƗǆǴƶǃƒ ƗơǁƮǆǃƒ ýǍǆk Ɨöơ ĎǴƶǃƒ ǇĂǈǴǀǃƒ ƘƒƨǴöǂǆǴŁ

---

(1) ƵƮǴǂƮ ĭþǆơ ÜƗƮǴǂ Ďǆ ǉþǈǍǴǁƑ ǉƑƸǆƮƓǃǍ ǍƮǆǃƒ ĎŁ ƮƎ ÜƗǴŁǴƞǃƒ ǁƮǆǁƓ ǁǆǈƿ ÜƗǈǍƤ ƦǀǃǴƑ ƮǀǃƒƧǂǁǈ ƧƶƟǆǃƒ Ü2 Ƨǂǆǃƒ ÜƧǂǈǂƮƒ Ü1998

ƒ 1090. ƒǃƹưǂƮƗÜ Ǒǂǆǃƒ ǍƮǆǃƒ ÜǍǆǃƒ ÜǋƵǂǆǃƒ ÜƮƎ ǎǌǁƓ ǍǂǂƓǃƒ ǎǈƮƮƮƒ ƮƶǍƤǆǈ ǎǈƒǈǃƒ ƞǆǃƒ Ü63 ƒ.

(2) ƧǍǃƒƓǃƒ ÜǋƵƧ ǎǂǆǃƒ ƎƮǴǃƒ ĎǂǂǃƮǂǈ ƞƵǈƟǈǂ ǍǈǂƑƵǃƒ ǁƓƒƶǆ ǍƮǆǃ ǋƪǂǈƮǃƓǈƑ ǁƧǁǍƴƵ Ǎƴǆƒ ǈƮǃ ƭƮƓǈ ĎƞǂƧ

Ü2011 ÜƗǈƑƧƒ ǈǂǆǃƒ Ǵƶǆǈ ǂƮƧ ǈǂǆǃƒ ƶƓ ƤǴƮǍǆƮǃƒ ǈǆǃƒ ƮǂƧǃƒ ƵƶǈǂƑƑƒ ƵƮƑƯ 22 ƒ.

(3) ƴƓƿ ƮǴƮƿ (2010/3) ƧǆƮǂǍ ǈǂƮƓƞ Ü2010/12/28 ÜƗǈƑƧƒ ǈǂƒ ƶƮƓƿǃƒ.

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[illegible]

[illegible] (1) [illegible] (2) [illegible]

[illegible]

[illegible] (3) [illegible]

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(1) [illegible] 64 [illegible]

(2) [illegible] 33 [illegible] 71 [illegible] 72 [illegible]

(3) [illegible] 81 [illegible] 30 [illegible] 31 [illegible] 72 [illegible] 73 [illegible]

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(1)

(2):

.1

.2

(3)

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.1

.2

(1) .635 1996

(2) .636

.87

(3)

296 1996 354 1998

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Ǒù5 ýǴȠƶƙùʅǕƒ Ƚù!Ǵơ! ƱǍƧùT lƥƵ Ǵǒǁƶ!ƒ ýƥƶ!ƒ ȽǆȽơǆ ƘƥƧǍǅ ƥpǍ ÜýǴȠƶƙʅǕƒ Ƚ!Ǵơ .3

[1]:ǑǊ ǴǌƙƒƧƒƧp

.ǄǴƶ!ƒ ǄǴƱǇ!ƒ ƥƥǌǒ ƧƱƤ ƥǍȠǍ .ǅ

.ȽǒƥǴƶ!ƒ ȽǒǈǍǇǴǀ!ƒ ȿƧƱ!Ǵǂ ƧƱƤ!ƒ ƒƦǊ ƴ5ƥ ƧƦƶƙǒ Ǉǅ .Ɣ

.ǴǊƥơǍ ȽǆǴƶ!ƒ ȽơǁƮǆ!ƒ ȿǒlơƙ ǴǌǁƤƥƙ Ǒ5 lƧƒƥǕƒ ƥƒƒƧ ǇǍȽǒ Ǉǅ .Ɯ

ǋùǂ Ǒưlƙ Ǵǆ Ƨƒƥlǆǂ Ǖǫ ȽǆǴƶ!ƒ ȽơǁƮǆ!ƒ ýǒǂʅ Ǒ5 ƥƒƧ5Ǖƒ ȽơǁƮǆ Ǐơưƙ Ǖ Ǉǅ ƔȠǒ .ƥ

.ǴǌƙƒƇƒƧȠǂ lƧƒƥǕƒ ƻʅƶƙ Ǖ Ǉǅ ǐǅ lƧǍƧư!ƒ

ǇǍȽǒ Ǐƙơ ǴǌƙǴƵƒƧǆ ƔȠǒ ƱǍƧTǍ ƱǂƒǍư ǋ! ƧTǴǆ!ƒ ƦǒƽǇƙ!ƒ ƨǴǒƙǆƒ Ǉǅ ȿǂʅ Ǵǆǆ ƝƙǇƙʅǇ

.ƥƒƧ5ǖ! ȽǒǈǍǇǴǀ!ƒ ƨȽƒƧǆ!ƒ Ǐǁƶ ƧTǴǆ ƧǒƛƙǇǆ ǋ! Ǵǆ! ǴƵǍƧTǆ ǋǒ!ǫ ƇǍȠǁ!ƒ

ǂǏƥƐǬǕƐ l ƐƥƐƥȿǁƐ ǂǅǖƨǊ ǂƟT ǂǆǏƥƽ :ƒƴǴƐƥ

ýǍùƶƽǆ!ƒ ƦƽǴǇ ƧƒƧl!ƒ ýǙǒ Ǉǅ ǑǇƶƙǍ ȽǒƧƒƥǕƒ ƘƒƧƒƧlǁ! lƨǒǆǆ!ƒ ƘǴƽƮ!ƒ Ǉǆ ȽǇǒƧl!ƒ ǇƦǊ Ƨǂƙƶƙ

.[2]ǋǂơʅ ǍǅǋǁǒƥƶƙǍǅǋƑǴƺ!ǂǴǆǫǋǂýǆƶ!ƒ ȽǒǴǌǇ Ǐƙơǐ ǋǇǴǒƧʅ ơǒƧǴƙ Ǉǆ ǴơǒơƮ ǇƧǴǂƵǴǂ

Ǐùǁƶ ǄǴùp ƥp ǇǍȽǒ Ǉǅ ƯƧƙƽǆ!ƒ Ǉǆ Ɣǂʅǆ Ƨǒƺ ǍǅǴǂǂʅǆ ǐƧƒƥǕƒ ƧƒƧl!ƒ ǇǴȽǅ ǍƒǍʅ5

ýùȽ Ǒ5 ǐƧƒƥǕƒ ƇǴư!l!ƒ Ƨlƙʅƒ ƥpǍ ÜΣȽƶ!ƒ ƘǴǂƚǫ Ǉǒơ! ǄǴƶ!ƒ Ơ!ǴƮǁ! ǴƗ5Ǎ ƧƥƮǍ ƠǒơƮ Ɣǂʅ

ǇƧǍƥùƮ ȽǇơ! ƦǇǆ ǐƧƒƥǕƒ ƧƒƧlǁ! ȽǆƨǖǆƐ ȽơƮ!ƒǍ Ƚǆǖʅ!ƒ ȽǇǒƧp Ǉǅ Ǐǁƶ ƧƮǆǍ ǴʅǇƧ5 Ǉǆ

.ΣȽƶ!ƒ ƘǴǂƚǕ ȽǁǂǴp ȽƱǒʅǂǍ ȽǇǒƧp ǑǊ

---

(1) ýƥƶ ǴǒǁƵ ǄƧp ƧƒƧp (82/112) Ü ǂȽǅǅǆ ǂǴƑȿǆ ǄǆǄƑƟǅǁƐ ǅƨƨƥƆǆƥǕƐ Ü2 ƥƥƵ Ü1983 ƒ .176

(2) ÜȽTǴȽƵ Üǐ ƥǆơ ǂǑƥƐǬǕƐ lƒƴƷƐƥǅǁƐ Ǐƺ ƀƒʈƽ ǅǇǇƨȽƧ ǂǒǂǁǊǆǁƐ ǆǍǅ ƴȠƧǆǆ ʅǴȿǂ Ü .1092 ƒ

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[illegible] .[1]

[illegible] .[2]

[illegible] .[3]

[illegible] .[4]

(1) [illegible] .79 [illegible]
[illegible] .66 [illegible]

(2) [illegible] 1970/6/16 [illegible] 24 [illegible] .349 [illegible]

(3) [illegible] (93/319) [illegible] 1994 [illegible] 4 [illegible] .696 [illegible]
[illegible] (93/198) [illegible] 1994 [illegible] .104 [illegible]

(4) [illegible] (94/355) [illegible] 1996 [illegible] 7 [illegible] .1595 [illegible]
[illegible] (96/33) [illegible] 1996 [illegible] 7 [illegible] .1701 [illegible]
[illegible] (97/264) [illegible] 1998 [illegible] 3 [illegible] .872 [illegible]

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[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible][2]

(1) [illegible] 78.

(2) [illegible] 279.

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Ɨ ư ŏƧƵ Yƒþŏ ƗƯơ! ǈǆǆ ǴǋǋǵƤƙƒ ǅǩŏ Ŏƙ!ƒ ƘƒƇƒƧƞŰƒ Ŏ5 ăĂƵþ!ƒ Ƨŏ ư ơƙ Ɨŏǁǆ Ƶ ýǅǆǩƙĂ

Ƨù ƮǴǉƵ Ĭ ùǁƵ ĭ Ăƙơŏ ĭ Ʀ!ƒ ǄǴƵĂ!ƒ ŎǊ Ƨŏ ư ơƙ!ƒ Ɨŏǁǆƶ5 ÜǴǌŏ5 ý Ʈ5ǁ! ǴǊƨŏǌƞƙ ƻþǌƴ ăĂƵþ!ƒ

[1]:ǴǌǈǄ Ɨ ŏơ ƗƪƒƧþ!ƒ ǇƒþǁƵ Ŏ5 Ƨŏ ư ơƙ!ƒ Ɨŏǁǆ Ƶ ƻǁƙƤƙĂ ÜǋƙƒþǈƙƪǆĂ ǋþƒƧĂǄĂ ƘǴǅĂŰƒ

Ɨù ǆǂơǆ!Ǵ5 ƗŏƪǉƧ5!ƒ ƗŏƧƒþŰƒ ǅǂǴơǆ!ƒ ýǆƶ! ǅƯǈǆ!ƒ 1889/7/22 ǈĂǉǴþ ƔƪƠ :ƑƨǆþƷ ĬƷ

Ĭ!ĂùƙŏĂ ƧƧù ǀǆ!ƒ ƧǴƮùƙƪǆ!ƒ ƟƒƧƙþƒ ƔƪƠ Ɨ!ĂƒþǆƗ ƗƵƧƸ Ŏ5 Ƨŏ ư ơƙ!ƒ Ĭ!Ăƙƙ Ŏƙ!ƒ ŎǊ ƗŏƧƒþŰƒ

þùơǅ ƗŏƧƒþŰƒ Ɨǆǂơǆ!ƒ Ư Ă5ƙ ǴǆƵƧĂ ƗŏǉĂǉǴǀ!ƒ ƒ ĂƮǉ!ƒ ƔƪƠ ƒ ĂƮƤ!ƒ ƒƦǊ Ŏ5 ƭƧĂþ ǴǌƪŏƑƧ

Ɨù ŏǁǆƵ Ŏù5 Ɨǆǂơǆ!ƒ ƩŏƑƧ ƻƒƧƮƺ ƘơƙĂ ƧƧǀǆ!ƒ ǁƧǴƮŏĂ ƘƒƇƒƧƞŰƒ Ư ƶ ǀƧƮǴǅǆ! ǴǌƑǴ ư Ƶǅ

ǅƪ ù ǀ!ƒ 1945/7/31 ǈĂǉǴùþ ƔƪơĂ Ŏƪǉƨ5!ƒ Ɨ!Ăþ!ƒ Ʃǁƞǆ Ŏ5 Ƨŏ ư ơƙ!ƒ Ĭ!Ăƙŏ ǴǆǈŏƉ ÜƧŏ ư ơƙ!ƒ

Ƙùơƙ Ă Ƨŏ ư ơƙ!ƒ Ɨŏǁǆ Ƶ Ŏ5 ǴŏƪŏƑƧ ƭƧĂþ ǅƪ ǀ!ƒ ýƤƒþ ǈǆǆ ƧƧǀǆ!ƒ ƩƧǴǆŏ Ɨ ŏơ Ƨŏ ư ơƙǁ! ŎƵƧ5!ƒ

Ƨù ŏƙ Ŏùƙ!ƒ Ɨù ǆǴǌ!ƒ ăĂǴƵþ!ƒ Ư ƶ Ƨŏ ư ơƙ ŎƑǴ ư ǀ!ƒ ǅƪ ǀ!ƒ ǅĂǀŏĂ ŎƵƧ5!ƒ ǅƪ ǀ!ƒ ƩŏƑƧ ƻƒƧƮƺ

.Ƨŏ ư ơƙ!ƒ Ɨŏǁǆ Ƶ Ĭǁ Ƶ ǅƪ ǀ!ƒ ƩŏƑƧ ƻƧƮŏĂ ǀþŏþƞ ƗŏǉĂǉǴþ ǴŏǴ ư þ

ĭ Ʀ!ƒĂ ǉƧŏƧǀƙ þƒþƵ ǅþŏĂ ăĂƵþ!ƒ Ƨŏ ư ơƙ Ŏ5 ýŏƮǅ ƧĂþ Ǌ! Ʃŏǁ5 ƗǆĂǂơ!ƒ Ư Ă5ǆ Ǵǆǅ

ǈǫĂ ýơ!Ǵ ǅƨǁǆ ƧŏƸ Ŏ ư Ǵǀ!ƒĂÜ[2]ǖǆǴǂ ƻǁǆ!ƒ ǅǁƪƙŏ ǈǅ þƶ ýơ!ƒ ƟƒƧƙþƒĂ Ɨŏ ư ǀ!ƒ ƗƪƒƧþ ǈǆ ư ƙŏ

.ƒþơ Ĭǁ Ƶ Ɨŏ ư þ ýǂ! ƻ Ʈǉǆ Ă ýþǴƵ ýơ! ýĂ ƮĂǁ! Ư Ă5ǆ!ƒ ƧŏƧǀ ǈǇŏƶƙƪŏ ǈǇǴǂ

ǴùƵƧ5 ýǂƮƙ Ŏƙ!ƒĂ Ɨ!Ăþ!ƒ Ŏ ư Ă5ǆ ƗƑŏǊ ýǓƤ ǈǆ ǈĂǂŏ ăĂƵþ!ƒ Ƨŏ ư ơƙ :þƮǅ ĬƷ

ǋùǈǅ Ĭ ùǁƵ ĭ ƧƮǆ!ƒ Ɨ!Ăþ!ƒ Ʃǁƞǆ ǈĂǉǴþ ǈǆ (27) ǀþǴǆ!ƒ ƘƮǉ þþĂ ŎƑǴ ư ǀ!ƒ ǅƪ ǀǁ! ǖǀƙƪǆ

ýŏǅù ƪ Ŏù5 Ɨ!Ăþ!ƒ Ư Ă5ǆ!Ă Ɨƶ5ƒƧǆǁ! ǴǌƙƑŏǌƙĂ ăĂƵþ!ƒ Ƨŏ ư ơƙ Ɨ!Ăþ!ƒ Ŏ ư Ă5ǆ ƗƑŏǊ Ĭ!Ăƙƙ"

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(1) ǅĂǁơ!ƒ ÜĬƪĂǆ ƀǅǂơ ǈǇǅ!ǆ ÜǈǋþƒǅǴǆ ǇĭþƮ ǅƑǴƙƱ ƙ ǈǅǆ ƙ ǆǆƪǆƒǆ ĬƷ ǈǅǋǆƧƙ ƛþǆƑ ÜƧƧƕƧ ǆ ÛĬƪĂǆǆǆǆ ǆ ÜƷǆǆǆƏǆƪǆ ǉ ǅƧǁ!ƒ 188. ǆǁǋǆ ÜǉĂǁǆǏƪǁǆǁ ÜǴơ!ǁƤ

ƟǋƐǉǂ ĬƷ ǈƑǴǉǆ ǈǊǊƐƒǊƟǋ ǅǆƐþƪǁƐ ÜǅǆƩ!Ǵƪ ÜƗǆŏǴ ư ƶ!ƒ .79 ǆ ÜƪƕǅǴƪ ǇǅƞƧǆ ÜǅƑƩǁǆƐ ǋǋǊƔǉ ĬƷ ǈƑǴǉǆƐ ǇƔƐǋƸ!ƑǆǄ

.183 ǆ ÜƪƕǅǴƪ ǇǅƞƧǆ ÜǅǆǅǋƐǆǴƐ ƑǆǂǇǆƐ ÜǉǇǁǆǁƟǆ ƀƑƮ5

(2) ǅǆǁơ!ƒ ÜƔƸƒƧ ǅǅǴǆ þƞǴǆ ÜĂăþƐǈƐ ƀƑƮƪǆƐ ÜǴƬ!ƒþ!ƒ ÜƗǆƵǆǴƞ!ƒ ÜƘĂƧŏǅ Ü1988 ÜƒĂþƒ ǆ 57.

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[illegible]

[illegible] ... [illegible] (... [illegible]

."....[illegible]

[illegible]

[illegible] ."[1]" [illegible]

[illegible] [2] [illegible]

.[3] [illegible]

[illegible]

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(1) [illegible] (3460) [illegible] (35 [illegible]) 1992/12/13.

(2) [illegible] 234.

[illegible] 531.

(3) [illegible] 81.

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ÜǂƑönj!ƒ ljŘNj ýƓdžƵƒ ǏǁƵ Ŏ5ƒƧƬƥĂ ŎƙƓƿƧ ƧĂþ ƓöǁƶƓ!ƒ ýþƶ!ƒ ǂdžǂơdž ƧĂþ LJĂǂö LJǱĂ ăĂƵþ!ƒ ƻƒƧƱ

.[1]LJĂǈƓǀ!ƒĂ ǂơƮ!ƒ Ǐ!ƥ ƔƧƿǱ ƓnjƙƒƧƒƧƿ ýƶƞ Ŏ5 ǂdžǂơdž!ƒ þƵƓƪö ǂƑönj!ƒ ǁǁƙ ýƛdž þĂƞĂ5

ǏdžƑƙǁƐ ƒǂƯǱǁƐ

ƑNĭƺ üƬƻǂǁ ƕǱŽŘűǁƐ ƖƐƣdžǂƨǱǁƐ ƱƐƣǐƨƓ njNjƳƣǁƐ ƹƐþƯƈ ƹǐǂǀǂ

Ŏù5 ƘƓùƕƛŰƒ ƘƒƇƒƧƞƥ Ƨöö ƪƙĂ ǂ!þŰƒ LJƵ ǂơƕ!ƒ ýƓƞdž Ŏ5 Ƨöƕǂ ƧĂþ ǐƧƒþŰƒ ŎƯƓǀǁ!

Ŏù ƯƓǀ!ƒ ƧĂþ ƨùödžƙö Njöǁ ƵĂ ÜǂöƕǁƪƓ!ƒ ŎǈƶöŮ ǈƨöơƙ DžþƵĂ ǐƧƒþŰƒ ŎƯƓǀ!ƒ þƓöơ5 ƇƓƺ!Ńƒ ăĂƵþ

Ŏù ƯƓǀ!ƒ ƧĂþ LJùƵ ǈƧĂþ ƨödžö Ɠdž ƒŘNjĂ ǂǀöǀơ!ƒ LJƵ ǂơƕ!Ɠƕ DžĂǀö5 ǂöƕƓƞöŰƓƕ ƘƓƕƛŰƒ Ŏ5 ǐƧƒþŰƒ

ƘƒþǈƙƪùdžƓ!ƒ ƔǁƱ ǂǁöƪĂ ǁǁdžö ǐƧƒþŰƒ ŎƯƓǀ!Ɠ5 .ăĂƵþ!ƒ ƻƒƧƱƒ ǈƓƞƙƒ þƓöơ!Ɠƕ DžƪƙöǐŘ!ƒ Ŏǈþdž!ƒ

Ŏù ƯƓǀ!ƒ ƔùǁƱ Ɣùöƞƙ LJǱ ƓùnjöǁƵĂ Njö5 LJĂƶƱdž!ƒ ƓNjƧƒƧƿ Ƨþ Ƭƥ Ŏ5 ǀƧƒþŰƒ Ɠnjö!ƥ ƘþǈƙƪƒŎƙ!ƒ

ǂùƞơ Ƨƙƙƶö ǂƙƓƞŰƒ LJƵ ƓnjƵƓǈƙdžƒĂ ƘĂǂƪ!ƒĂ ƘdžƮ!ƒ ƓnjǈdžýƕǀöŬĂ NǈĂdžƯdž! ƳƓƮǈƙĂ ǐƧƒþŰƒ

.[2]ƓNjþƯ ǂǈöƧƿĂ Ɠnjöǁƶ

(37) ǀþƓùdž!ƒ Ɠnjö!ƥ ƘƧƓƬǱ þǀ5 ǐƧƒþŰƒ ŎƯƓǀǁ! ǂơĂǈdždž!ƒ ǂǁöƪĂ!ƒ ǈŘNj ƘþǂƌƙÛƑƨdžþƺ Ǐƺ

ƧƓùƱƤƥ LJǱ ǏùǁƵ ƘƬǈ ǂöơ ÜŎƪǈƧƽ!ƒ ǂ!Ăþ!ƒ Ʃǁƞdž ƒ ĂƬƤƕ 1963 Ăö!Ăö 30 DžĂƪƧdž LJdž

Ǐùǁ Ƶ ƇƓǈƕ ǂöƵƧƽ!ƒ DžƓƪþŰƒ ƓNjƧƧǀƙ ăƧƤŰƒ Ƨöƿơƙ!ƒ ýƓdžƵǱ ƴödžƞĂ ƘƒþǈƙƪDž!ƒ ƘƓǁƱĂ ƯƑƒƧƶ!ƒ

ƔùǁƱ Ŏù5 ǂöơǔƬù!ƒ ǂƕơƓƬ ŎNj ƧƧǀdž!ƒ ýǔƤ LJdžĂ ŎƵƧƽ!ƒ DžƪǀƓ5 Ŏ!ƓƙƓĂ ÜƧƧǀdž!ƒ ƟƒƧƙƿƒ

1. .82 ƒ Üƨƕƪ ƴƞƧdž ÜþƑƸǁŰƐ njNjƳƣ Ǐƺ ǀƑƙŰƐ ƣƳƐNjƽ Üþ!ƓƤ ÜǂǈƧƓƱǀ!ƒ

2. ƕǂǀƪdž ÜþdžơdžƓƪƕ Ü NǁödžƧ ĂƕǱ .613 ƒ Üƨƕƪ ƴƞƧdž ÛăþƐƣŰƐ ƃƑƬƨǁƐ ƕƳNjƨNjDž ÜƧƓƱƤ ŎǁƵ ÜǐĂƓǈƱƬ ǂùdžƯǈŰƒÜ 22 Dž ÜþĂƶƪ ǁǁdž!ƒ ǂƶdžƓƞ ǂǁƞdž Ü ƕǐdžƣþŰƐ ƑǏǂƴǁƐ üƣƴǁƐ ƕǱŽǀƟŽ ƃƑƬƽ Ǐƺ ƴþƐƣŰƐ ƕǐdž ƃNjƨ ǀƑƙƌ
. ƓNjþƶƕ ƓdžĂ 340 ƒ Ü2010Ü ƯƓöƧ!ƒ Ü (2) ǂöƪƓöƪ!ƒ DžĂǁƶ!ƒĂ

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ƔơƓùƬ ǈdž ƔǁƱ ǍǑ ƚƱŏƪǈ (ƚ!ƓƪƧ) ƔƓƱƤ ƚƱƪƒǍǈ ǁ!ǨǍ ăǍƵƥ!Ɠǈ ƓnjƙŏƞƓƙǉ ƱƧƬǈ ƘƒƥǉƙƪǅǄ!ƒ

.[1]ƳǍƯǍdž!ƒ Ŏƽ ƴƬƺ!ƒ ǏǁƵ ƾǈƓƪ ǅƚơ ǍǑ ƧƒƧ! ƚƞƓơ!ƒ ǈǍƥ ǈǆƬ!ƒ

Ƙƒƥǉƙƪùdž!ƒ ƔǁƱ ǋǀơ Ŏƽ ƚ!ǍƥƑ ƩǁƞǄ ƚƱǁƪǈ ƻƧƙƵƒ ƥƿ ŎƪǉƧƺ!ƒ ƳƧƬdž!ƒ ǈǍƚŏ ǁ!ǨǈǍ

ƴùŏƧƓǈ ǅƚơ) ƓnjdžǋǆǍ ƚŏƑƓƯǀ!ƒ ǋǀdžƓƚơƒ ƴǖƤ ǈǄ ƾơ!ƒ ƒǨǋ ǏǁƵ ƚ!Ǎƥ!ƒ ƩǁƞǄ ƥƚǑǍ ǛǀƧƒƥǕƒ ǈdž

Ƴƒƥùŏǈ ǀƧƒƥǕƒ ƻùŏǁƚƙǈ ŎƯƓǀ!ƒ ƚƱǁƪ ǈǅƵ ƚơƒƧƬ ƠƬƽǑ ƚŏơ 1954 ǄƓƵ (ƧǍnjƬdž!ƒ Barel

ƥƥơdž ƴƚƬǈ ǋƑƓƵƥƓǈ ǄƥǀƙŎƵƥdž!ƒ ǈǑ Ɠdž!ƓƱ ƚŏƯǀ!ƒ Ŏƽ Ƙǈǁ! ǋǀƥŏǀƵ ǈǍƚƙ! ƚŏƧǍƧƯ!ƒ ƘƒƥǉƙƪǅǄ!ƒ

.[2]ƚŏǍƥ ǈƑƒƧǀǈ ǄƵƥdžǍ

Ǜ26) ǉƥƒǍùdž Ŏƽ ƧƓƬǑ 1972 ƚǉƪ! (47) ǄƥƧ ǐƧƬdž!ƒ ƚ!Ǎƥ!ƒ ƩǁƞǄ ǈǍǉƓƥ :ƥƬǄ Ǐƺ

ǄŏƥùǀƙǀƧƒƥǕƒ ǈùdž ƔǁƱ!ƒ Ŏƽ ƚ!Ǎƥ!ƒ ƯǍƽdžǍ ƚdžƚơdž!ƒ ƾơ ǏǁƵ ƠŏƧƬ ƴƚƬǈ (32 Ǜ31 Ǜ27

ƚŏƑƓƯǀ!ƒ ǄƓƚơǕƒ ƘƧǀƙƪƒǍ Ǜ[3]ăǍƵƥ!ƒ ŎƽƧƱ ǈŏǈ Ƴƒƶǉ!ƒ Ŏƽ Ƙǈǁ! ǄƶǁƙŎƙ!ƒ ƾƑƓǍ!ƒǍ ƘƒƥǉƙƪǅǄ!ƒ

ƓƓƽŏƙùƪǗ ǗùdžƶǗ ǉƒƧŏ Ɠdž ǄŏƥǀƙǈăǍƵƥ!ƒ ŎƽƧƱ ƩŏǁƚƙŎƽ ǐƧƬdž!ƒ ǐƧƒƥǕƒ ƓƓƯǀ!ƒ ƚƱǁƪ ǏǁƵ

ƘƯùƥǍ .[4](ƚùŏƽƙƓnj ƘǗƓƬƙƒ ǍǑ ƚŏƥƓǄ ƘƓƓƓƱƤ) ƔƪƓǉdž!ƒ ƴƚƬ!Ɠǈ ƾƒƧǍǑǍ ƘƓǉƓǈ ǈdž ăǍƵƥ!ƒ

ƚƪùǁƞ (ƾ 33) ƚǉƪù! (1815) ǄùƥƧ ǈùƶƱ!ƒ Ŏƽ Ɠnjdžƚơ Ŏƽ ƚŏƬdž!ƒ Ɠǁƶ!ƒ ƚŏƧƒƥǕƒ ƚdžƚơdž!ƒ

ǁ!Ǩ ǈƑƽ Ƴƒƶǉ!ƒ ƳǍƯǍdžǈ ƚǁƶƙdž!ƒ ƾƒƧǍǕƒ ǄŏƥǀƙǈǄ ǀƧƒƥǕƒ ƚnjƞ Ƙǁƚǉ ƒǨ" Ɠnj!Ǎǈ 1993/5/18

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(1) ǛǏƪǍdž ǛƓǍƥƚ ƴƓƬdž ǛƚƒƺǍ ƥdžǀơ ǛǈǍŏ!ƒ ƓƚƒƓǛǀƞƓǈƓǄǈǆǀǍ ǏƺǀƓƓǀƓƓǀ ǛƾƓƪƓƪƓƪǈ ƴƞƧdž ǛăƥƐƓǛƐ ǄǆǏƞƓƾǁƐ Ǐƺ ǀƓƓƓƓƐ ǛƓǈƓƱƓƥ .287 ƒ ǛƚǈǏƪ!ƓƤ ǛƥǆǏƓƪƓƤǈ

ƒ ǛƾƓƓƪ ƴƞƧdž ǛƥƓƪǁǛƐ njǋǋƳƐ Ǐƺ ǀƓƓƓǛƐ ƐƳƐǋƽ .90

(2) ǛǏƪǍdž ǛƓǍƥƚ ƴƓƬdž ǛƚƒƺǍ ƥdžǀơ ǛǈǍŏ!ƒ ƓƚƒƓǛǀƞƓǈƓǄǈǆǀǍ ǏƺǀƓƓǀƓƓǀ ǛƾƓƪƓƪƓƪǈ ƴƞƧdž ǛăƥƐƓǛƐ ǄǆǏƞƓƾǁƐ Ǐƺ ǀƓƓƓƓƐ ǛƓǈƓƱƓƥ .289 ƒ

ǛƥƓƪƓƪ ƴƞƧdž ǛƥƓƪǁǛƐ njǋǋƳƐ Ǐƺ ǀƓƓƓǛƐ ƐƳƐǋƽ ǛƥƓƤ ǛƚǉƧƓƱ!ƒ .90 ƒ

(3) ƥŏƶdž! ǈdž ƙƓƬƺƙ!ƒ Ǜƴŏƺ ƧƱǉƒ ƥƒǍdž!ƒ (32 Ǜ31 Ǜ27 Ǜ26) ǈdž ǈǍǉƓƥ ƩǁƞǄ ƚ!Ǎƥ!ƒ ǐƧƬdž!ƒ ǄùƥƧ (47) ƚǉƪù!
.1972

(4) ǍƽƬƓ ǛƽƱƬǄ ƓƪƱƬǄ ǛƴƓdžƚ ǋǋƬǄ ǈƐƥƐƥǛǛƐ ƥƓƬƪǁǁƐ ǛƥƓǀƓƐ ƔƓƚ!ƒ ǛƴƓƯƒ ǛǄƥƓǀ!ƒ Ǜ1961 ǈǍƥǈ ǛƧƬƓǉ ƒ . 252 ǛƓǍƥƚ ƴƓƬdž ǛƚƒƺǍ ƥdžǀơ ǛǈǍŏ!ƒ ƓƚƒƓǛǀƞƓǈƓǄǈǆǀǍ ǏƺǀƓƓǀƓƓǀ ǛƾƓƪƓƪƓƪǈ ƴƞƧdž ǛăƥƐƓǛƐ ǄǆǏƞƓƾǁƐ Ǐƺ ǀƓƓƓƓƐ ǛƓǈƓƱƓƥ .289 ƒ ǛƚǈǏƪƓƱ!ƒ

ǛƥƓƤ ǛƥƓƪǁǛƐ njǋǋƳƐ Ǐƺ ǀƓƓƓǛƐ ƐƳƐǋƽ ǛƾƓƓƪ ƴƞƧdž .92 ƒ

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Ďžƨùƙǁƙ ǀƨƒþŰƒ Ŧnjŋ ǈǕ5 ǁ!Ʀǂ ŦdžĂǂơ!ƒ ƫƙǴƵ ǏǁƵ ƘǴhƛŰƒ ǴƔƵ ǑǀǁƙǑƵþdž!ƒ Ơ!ǴƮ! ŦǉǒƨƤ Ďǒǀǒ

Ŧù!Ăþ!ƒ Ʃùǁŋdž ǈĂǉǴƥ ǈdž (26) ǀþǴdž!ƒ ƒ ǉ! ŰǴdžƵƺ ǴnjǉƶƱ ĂD ǴNjƒĂƵþ! ǀþǒƋdž!ƒ Ƙƒþǉƙƪdž!ƒ Ƴƒþǒǝƕ

."1972 Ŧǉƪ! (47) Ďƿƨ

(20) ǀþǴùdž!ƒ Ǒ5 Nǉƙűǒþƶƙ Ă 1968 Ŧǉƪ! (25) ĎƿƨǐƨƮdž!ƒ ƘǴhƛŰƒ ǈĂǉǴƥ ǈǒƕ þƥĂ ƒƦNj

ăĂƵþù!ƒ Ǒ5 Ǌƙǉdž ƨƨơdž ǐD Ďǒþǀƙƕ NdžƮƤ Ďƒƨ!ƺ ƔǁƱǒ ǈD Ŧǒ!Ǵƙ!ƒ ƘŰǴơ!ƒ Ǒ5 ĎƮƤǁ! ƨĂŋǒ NǉD

:ǉþǒ Ƙơƙ ǈĂǂǒ

.NdžǒǁƪƙĂD Ndžǒþǀƙƕ NƙƕǃǴƱdž ƨǒŋǒ ǈĂǉǴǀ!ƒ ǈǴǂ ƒƦƺ .D

ƨƨơdž!ƒ ǈǴǂ ƒƦƺ ƒ ƤŰƒ ǏǁƵ ǴǂƨƙƬdž ƨƨơdž!ƒ ƨhƙƶǒĂ ŰNdžƮƤ ǈǒhĂ NǉǒƕǴǂƨƙƬdž ǈǴǂ ƒƦƺ .Ɣ

.Ŧ!þǴhƙdž!ƒ ǴdžnjƥĂǀơĂ Ǵdžnjƙǁdžƒƨƙ!Ű ǴƙhƛdžǈǴǂ ĂD ǈǒdžƮƤ!ƒ ŦơǁƮdž!

.ăĂƵþ!ƒ ýơƒƨdž ǈdž ŦǁơƨdžǐD Ǒ5 NdžƮƤ Nǒ!ƺ þǉƙƪƒ ƒƦƺ .Ɯ

ƒ ĂƮùǉdž!ƒ ŦǀǒƨƱ!ƒ ǉƦnj! ǴĂŋǁ!ƒ ǈdž N5þNj ƠưĂǒ ǈD Ɣ!ǴƱ!ƒ ǏǁƵ ƔŋǒNǉƒ ǴǉNj ƨǂƦǒĂ

ƨǴƛŰƒ ƔǒƙƨƙĂ ǴnjdžǴǂơƕ ǑưǴǀ!ƒ ĎƨǁǒǏƙơ ŦǒǉĂǉǴƥ ƒ ĂƮǉ ǈdž ǴNjþƶƕ ǴdžĂ (20) ǀþǴdž!ƒ Ǒ5 ǴnjǒǁƵ

.[1]Ǵnjƕ ŦǀƶƙdžǃƒŦǒǉĂǉǴǀ!ƒ

ƘùơƙþǉƙƪdžĎǒþǀƙƕ ĎƮƤ!ƒ Ďƒƨ!ƺ Ǵnjǒ5 ƔǁƱǒ Ǒƙ!ƒ Ŧ!Ǵơ!ƒ ǈƵ ƻǒǁǂƙ!ƒ ŦǁǒƪĂ ƻǁƙƤƙĂ ƒƦNj

ǈǒƙ!Ǵùơ!ƒ Ǒ5 ŦǒƨǒþǀƙŦƱǁƪ N! ǈD Ʀƺ ƔǁƱ!ƒ Ǐ!ƺ ŦƕǴŋƙƪŰƒ Ǒ5 ǐƨƒþŰƒ ǑưǴǀ!ƒ ŦƱǁƪƕ Ʃǒ! Ŭǉþǒ

ƻùǒǁǂƙ!ƒ ŦǁǒùƪĂ ǏǁƵ ŦƕƨƙƵdž!ƒ ƨǴƛŰǴ5 Ǵdžnjǉǉdž ý ǂ ǏǁƵ ŦƕƨƙdžǃƒƨǴƛŰƒ Ǒ5 ǈĂǂǒ ƻűƙƤŰƒ ǈǂ!Ă

þùƶƕ ǉþùǒ Ƙơƙ ŦƿƨĂ Ďǒþǀƙƕ ĎƮƤ!ƒ Ďƒƨ!ƺ ƔǁƱ ǏǁƵ ŦƕƨƙdžǃƒƨǴƛŰƒ Ǵdžǉǒƕ ǑưǴǀ!ƒ ƨǒþǀƙ! ƴưƤƙ

(1) ĂƮǒƮƕ ǗƩƱƮdž ǏƶƱǴdžǂ Ǘǂ ǉǴǀ ǁƐþǀƛǁƒƕ ƑƮƪƒ Ǘ ăþƐǑŰƐ ǗƨƕǀǗƪƒ ýŋƨdž!ƒ ǗƩƕǴƪ! ƒ 325. ǉdžƪĂǗ ƥdžơƉ ǂdžǴùý
.311 ƒ ǗƩƕǴƪ! ýŋƨdž!ƒ Ǘăþƒ ƐŰǐ ǏƶǉǴdžǀ ǐǂƒ ǗǈǒþǀƛǴǀƛǁƒ

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Ɣʅùơ ǴǉŇǰ ƧǴƛŬƒ ƔƙƧƙƙ Ɨŏơ ǴŋǰŏƼ Ǒưǵǀǁ! ƗƱǁʅ Ǖ ƧƧơǆǃ!ƒ ǅǉŏƥǀƙƅ ƧǆǕƒǍ ǊǃŏǃǪ Ǒưǵǀǃ!ƒ ƗƅǴƞƙʅƒ

.[(1)]ǇǍǈǴǀ!ƒ ǊǃŏǁƵ ƒ ǈ ǴǆǄ

ǴùǆǄ ǴŋǰƙǴǀŏƅƱƙ ǇǆǄ ǇƎƼ (20) ƖƥǴǆǄ!ƒ ǴŋǰŏǁƵ ƘƮǈ Ǒƙ!ƒǍ ƗǀŏƧƱ!ƒ ǈǰǇǋ Ĭ!ǪČǍƞǁ!ƒ Ɨǁƥ ǅǄƩƧǍ

ǴŋǰǈƵ ƥƮƧǅ ƗƶƱǴƥ ƗƥƧǍ ǅǉŏƥǀƙ ǇǆƵ ƖƧƒƥǕƒ ƔǴǉƙǆǄƒ ǇǆƅƗŏƧƮǆǃ!ƒ ĭƧƒƥǕƒ ČǴưǀ!ƒ ƗǆǄƗơǆǄ ǊƅƘưƥ

.[(2)]ƴƑǴƥǍ ǇǆǄ ǇǆƮ!ƒ ƔơǴƮ ǈƧƧƥ ǴǆǄ ƗơƮƅ ǴŋǰǆǄŏǁʅƙƅ ƴǍǀ!ƒ Ĭ!Ǫ ĭƥǅŏ ǅǄƮƤ!ƒ

ǑƼ ƧƥǴƮ!ƒ ČƒƧƨǍ!ƒ ƩǁƞǆǄ ƧƒƧƥ ƖƧǍƮ ƗǆǄǍƗơ!ƒ ǅǄƥǀƙ ǅǄ! ƒƦǪ" ǊǉǅǴŋ! ƧƤǅǄƗơ ǑƼ ČǴƞǍ

ǇǆǄ ƧƛƗǅ ǎǍƵƥ!ƒ ƴŏƞǅƙǍ ǁ!ƦƅǴŋ! ƗǆǄƗơǆǄ!ƒǍ ƧƧǀǆǄ!ƒ ƧǴƮƙʅǆǄ!ƒ ƸŏǁƗƙ ǅǄƩƧ 1928 ƗǈʅƧŏǴǈŏ 18

ǇùǆǄ ƗǆǄǍƗơ!ƒ ƔǴǉƙǆǄƒ ČƒƨǪ ǴŋǰƅƦƤǕƒ ƗǆǄƗơǆǄ!ƒ ǎƧƙƼ ǕǊǈǉǆǄ ƖƧǍƮ ǑƵƥǆǄ!ƒ ǅǄƥƥ ƥƥǍ Ɣƅʅ!ƒ ƒƦǋ! ƖƧǆǄ

.[(3)]"ǴŋǰŏǁƵ ǴŋǰưƒƧƙƵƒ ǅǄƥƵǍ ǴŋǰǆǄŏƥǀƙ

ƖƥǴǆǄ!ƒ ǑƼ ǊƙǖŏƥƶƙǍ 1992 Ɨǈʅ! 12 ǅǄƥƧ ǴŏǁƶǄ!ƒ ƴƥƶ!ƒ ƗǆǄƗơǆǄ ǇǍǈǴƥ ƒ ǈ ƥǀƼ :ǅǄƣƥǕƐ Ĭƺ

ǑùƼ ǑƵƥƙʅùǆǄ!ƒ ǴŋǰŏǃǪ ƥǈƙʅŏ Ǒƙ!ƒ ƗŏƱƤ!ƒ ƘǴǈŏƅ!ǴƅƒǍ ČƵƥ!ƒ ČǴƵƥƙʅƒ ƨƼƧŏ" :ǑǁŏǴǆǄ ĬǁƵ (ǅ/14)

ǇùǆǄ ĬǈƛƙʅùƙƼ" ƖƥǴùǆǄ!ƒ ƩƼǈ ǇǆǄ (Ɣ) ƖƧǀƼ!ƒ ƘČǴƞ ǴǆǄƗ ."....ƥǍŋƮ!ƒ ČǴǆǄʅǆǅ ƗǆǄƑǴƥǍ ǈǰǍƵƥ ƘǴƅƛǪ

ǇǆǄ ǴŋǰƅƱǴƼơǕƒ ǅǄƙŏ Ǒƙ!ƒ ƘǴƼǁǆǄ!ƒǍ Ƙǖƞʅ!ƒǍ ƘƒƥǈƙʅǆǄ!ƒǍ ƨƑǴƛǍ!ƒ ƖƥǴǆǄ!ƒ ǈǰǇǋ ǇǆǄ (ǅ) ƖƧǀƼ!ƒ ǅǄǴƗơƒ

."....ČƧƤǕƒ ƘǴŋǰƞ!ƒ ǍǅƗǆǄǴƶ!ƒ ƗŏǆǄʅƧ!ƒ ƗŏƧƒƥǕƒ ƘǴŋǰƞ!ƒ ƴƅƥ

Ɨ!ǅʅùǆǄ ǑùƼ ƗǁƗƮǆǄ ƥǍƞǍ ǅǄƥƵ ƱơǖǈƧƗƦ!ƒ ƗƅǴʅ!ƒ ƖƥǴǆǄ!ƒ ƒ ǍƮǈ ČƒƧǀƙʅƒ ƴǖƤ ǇǆǄǍ

ĬùǁƵ ƔƧƮǆǄ!ƒ ƒ ǈŏ ǅǄ! Ɨŏơ ƖƧƒƥǕƒ ƥŏ ǑƼ ǇǍƗƙ ǇǅǑǋ ƖƥơƒǍ Ɨ!ǴƠ ǑƼ ǕǪ ǴŋǰƵƒƥŏǪǍ ƘƒƥǈƙʅǆǄ!ƒ

(1) ǕĬʅǍǆǄ ǈǰƧǆǄ!ƒ ƴǆǄǴƗơǆǄ ǕǇŏƥ!ƒ ǕǈǅƮƥưǆǄ ǓƱƥǈǆǄ ǅǄǊǰǅǆǄƑǴǁǁƐ Ĭƺ ǆǴƙǕƐ ǕǉǍƅƗǆǄǅǈǋ ǕƨƵƞǆǄ ǕǍƒ ƒ 310.

(2) ǅǄƗơǆǄ ǅǄƗơ ČǴưǀ!ƒ ĭƧƒƥǕƒ ƗŏƧƮǆǄ!ƒ ǑƼ ǀƙƼƙƙǋǍ 9 ǈǍƑǑŏǈ 1960Ǖ ƗǈʅƧ!ƒ 14Ǖ ƒ 299. ǍǆǄǉƥǆǄ ǈƧǍƗƒ ǕĬùǈǍƗǆǄ
. ǅǉǆǄ ƗƗǅǴŋ ƴǆǄƗ ǕǈŏƥǆǄ ǕǈǅƮƥưǆǄ ǓƱƥǈǆǄ ǅǄǊǰǅǆǄƑǴǁǁƐ Ĭƺ ǆǴƙǕƐ ǈǰƧǆǄǕǆǄǍƑ ǈǰǍƞǆǄ Ǖʅǅ ƒ 313 .

(3) ǅǄƗơ ǅǄƗơ ČǴưǀ!ƒ ĭƧƒƥǕƒ ƗŏƧƮǆǄ!ƒ ǑƼ ǴǆǄƙ 14 ǊǃŏǃǍǈŏ 1954Ǖ ƗǈʅƧ!ƒ ǕƗùǈǰǆǄǴƛ!ƒ ƒ 1528. ǈǰƧǍƗƒ
. ǅǉǆǄ ƗƗǅǴŋ ƴǆǄƗ ǕǈŏƥǆǄ ǕǈǅƮƥưǆǄ ǓƱƥǈǆǄ ǅǄǊǰǅǆǄƑǴǁǁƐ Ĭƺ ǆǴƙǕƐ ǈǰƧǆǄǕǆǄǍƑ ǈǰǍƞǆǄ Ǖʅǅ ƒ 313 .

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[illegible]

[illegible] (2 [illegible]/25) [illegible]

[illegible] 1952 [illegible] (30)[illegible]

[illegible] (100) [illegible]

[illegible] (24)[illegible]

[illegible] 1988 [illegible]

[illegible](2)[illegible]

[illegible]

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(1) [illegible] 98.

(2) [illegible] (100-108) [illegible] (24)[illegible] 1988 [illegible].

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YǴǉƙdžǓƒ Ŏ5 lƧƒþǕƒ ƫơ Ĭ!ǫ ǴnjdžǴǂơǋ LJdž þŏþz!ƒ Ŏ5 Ǵǒǁz!ƒ ýþz!ƒ ƚdžǂơdž ƘưƧzƙ þpĂ ƒŖNj ƨĂùŋŏ" :Ǵnj!ĂǀƗ Ƙưp ƚŏơ ƚŏƧǐ ǴnjƙƧƗƙƵƒĂ ǴnjƙƨĂơƗ Ŏƙ!ƒ ƫƑǴƛĂ!ƒĂ ƘƒþǉƙǐdžǃƒLJƵ ƻŢǂ!ƒ LJƵ ŎùNj LJŏùzdž ƔǴùƙǂ Ŏ5 ƔǴƗǐǕƒ LJǋ þnjŢƙ ǤƒƧƨĂ!ƒ ƩŏƑƧ LJƵ lƧþǴŢ lþǴnjŢ þĂŋĂ þǉƵ lƧƒþǘ! ƚơǁŢùdž!ƒĂ Ĭ5Ǵùǉƙŏ NJǉĂdžưdž ǤǴŢ5ǫ LJǋĂ ƚŏǴʓǁ! ƚŏƧǐ!ƒ ƫƑǴƛĂ!ƒ LJdž ĂNj ƔǴƙǂ!ƒ LJǋĂ ƚŏǉdžǋ ƔǴƗǐǋ .(1)"ǴùNjƨƒƧƗƎƗ lƧƒþǕƒ Džƒƨù!ǫ ƚ!Ǵơ!ƒ ǉŖNj Ŏ5 ƚdžǂơdž!ƒ ǁǁdžƙ ǕĂ ƚǀŏƛĂ!ƒ ƨƒƧƗǫ LJƵ yǉƙdžƙ LJǋ ƚdžǴz!ƒ ǴùdžNj LJŏzŏƧŢùƙ ýǘƤ LJdž ƘǴdžĂǁzdž!ƒĂ ƫƑǴƛĂ!ƒ LJdž ǴŏƧǐ ƧƗƙzŏ Ǵdž ŎǉþƧǕƒ YƧŢdž!ƒ DžƱǉ þpĂ ƒŖNj ĬùǁƵ ýĂŢơ!ƒ ƫơ LJǴdžư LJĂǉǴpĂ Ü1971 ƚǉǐ! (50) DžpƧ ƚ!Ăþ!ƒ ƫƑǴƛĂĂ ƧƒƧǐǕƒ ƚŏǴdžơ LJĂǉǴp LJùdž ĬùǁƵ ƚŏùǐǴp ƚŏƑǴǉŋ ƘǴƗĂǀƵ ĬǁƵ LJŏǉĂǉǴǀ!ƒ ƒ ǉ ƚŏơ Ü2007 ƚǉǐ! (47) DžpƧ ƘǴdžĂǁzdž!ƒ ƧƧưù!ƒ ƫùơǁŏ þùp ǴnjƑǴŢù5ǫ LJǋ ƚŏơ ƘǴdžĂǁzdž!ƒ Ăǋ ƫƑǴƛĂ!ƒ ǁǁƙ ǤǴŢ5ƎƗ DžĂǀŏĂ ǴnjdžǴǂơǋ ƻ!ǴƤŏ .(2)ăƧƤǋ ǴǉǴŏơǋ þƒƧ5ǖ! ƚŢǴƤ!ƒ ƚơǁŢdž!ƒ Ăǋ ǴǉǴŏơǋ ƚdžǴz!ƒ ƚơǁŢdž!Ǵƙ

ǤǴưù!ƒ Ŏù5 ƘǴƗƛǕƒ LJƵ ƻǁƙƤŏ ĭƧƒþǕƒ ǤǴưǀ!ƒ Ŏ5 ƘǴƗƛǕƒ LJǋ Ĭ!ǫ ƫƗǐ Ǵdždž ƒ ǁƤǉ :Ŏǁŏ Ǵdžŏ5 ǴnjǁdžŋǉăƧƤǋ NJŋĂǋ Ŏ5 NJƗǴŢƙŏĂ NJŋĂǋ lþƵ Ŏ5 Ŏǉþdž!ƒ

Yƒƨùǉ!ƒ ýơdž ƚŏǉĂǉǴǀ!ƒ ƚzpƒĂ!ƒ Ŏ5 ƱƧƙŢŏ ƚŏơ :(lƑǴƙǕƐ üƟDž) ƗǐǉdžNjƑƫǁƐ ƗƴƽƐNjǁƐ ƘǐƟ DžDž :ǗNjǈ (3):ŎNj ƱĂƧŢ lþƵ Ŏǉþdž!ƒ Ăǋ ĭƧƒþǕƒ ƘǴƗƛǕƒ Ŏ5 ǤƒĂǐ

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(1) ǴǒǁƵ ýþƵ (1981/94) DžpƧ ƧƒƧp Ü(1981/94) ƧƱǉƒĂ ǴưùŏƒǴƳư ƘƒƧƒƧùp ýþùz!ƒ ǴùǒǁzƒƘƒĂŖ DžǴùpƧǕƒ (1987/148) Ăƚ(1986/115) Ă(1985/171) ƚǉdžǂƚŢƒƧƧƚ ăþ! ƨǂƧdž ƚƵþ!ƒ .

.43Ă 42 ƒ ÜƫƗǴǐ yŋƧdž ǙƑĭǂyǁƐ üǫyǁƐ ƗDžǀƟDž ƀƑŢƽ Ĭʓ ăþƐǬǕƐ lƑǴƙǕƐ üƏƑƨNj ÜƻƒĂǉ ÜLJǴzǉǂ

(2) ƚǉŏƘƨ!ƒ Üŏ Ǵ!ǴƤ Üþ!ƒ !ƐƦǁƐ ƹưNjDžǁƐ !ƑǁƐ ƹưNjDžǁƐ ƗƻĭưNjǁƐ ƀƐþƨǈ DžƑDžƚǴ ĭʓ ǙŠǉþǕƐ DžNjǉǁƑƫǁƐ ƗƨƐþǫ ƗƘǉþƑƫDž ÜƗŲǉþƑƫDž .ǴNjþzƗ Ǵdž547 ƒ Ü2012 ÜƘŏĂǂ!ƒ ƚzdžǴŋ Ü36 ƚǉǐ!ƒ Ü3Y ÜƫĂǀơ!ƒ ƚǁŋdž

(3) ƵǘDž Üþdžơdž ƤĂǐƻ Ü ǐŊƑNjǐ ǭNjNJǐǁƐ ƗƑƨƽNjǉ lƑǴƙǬ !ƑDžǈ ƀƑŢǁƐ ăþƐǬǕƐ DžƐǴǁ DžNjǉǁƑƫǁƐ ĭƴŢǁƐ ƀþǯøǐƗ (ƗǀþƑƫDž Ɨƨƽþǫ) ƗĭDžǘƨǕƐ ÜƤǐƨƘǴ ÜǉƒƧĂǂþ ƚǁǂ ÜƫĂǀơ!ƒ ƚzdžǴŋ ÜƫŏƨǴpƨ!ƒ ÜlƧNjǴǀ!ƒ Ü2004 ƨǂƧdž!ƒ ŎdžĂǀ!ƒ ǘƘŢƧƒƘ! ƘƒƧ ÜƱ1 Ü2012 ƒ 210.

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.ăĂƵþ!Ǥ Ⱡ!ǁƶǩǆ ȽƶpfĂ!f ǈĂǂǩ ǈǅ .1

.ăĂƵþ!f Ŏ5 ȽɳǩǉǆȽƶpfĂ!f ǈĂǂǩ ǈǅ .2

.ýĂƅl!f lƨƑǤɳ ȽƶpfĂ!f ǈĂǂǩ ǈǅ .3

.ǤnjöǁƵ Yƨ ǤǉǩǆĂ lþþơǆ ǈĂǂǩ ǈǅ .4

ƇǤư ù l!f ƇǤùɳĂ ÜŎǉþùǆ!f ǈĂǉǤù l!f Ŏ5 ƘǤƅƛŰf Ŏ5 ȽǆǤƶ!f þƵfĂl!f Ǌö!ǫ ƘƧǤƬǅ Ǥǆ fȐNjĂ

ǈǫ" ýĂl!f Ĭ!ǫ ȽöƧƬǆ!f ĭƧfþŰf ƇǤư l!f Ƚǆǂơǆ ƘƅNjȐ5 ǊǆǤǂơf Ŏ5 þƵfĂl!f ǁǁǩƅ ǅƨǩ!fĂ ĭƧfþŰf

lþǤùǆ!f ƒ ǉùƅ ǗǆƵ ǁ!Ȑ Σǂ Ƶ ǈöþǆ!f ƘƅƛöĂ ǅfƨǩ!Ǔf ǈƑfþ!f Ƙƅƛǅ ǈǅ Ŏǉþǆ!f ƘǤƅƛŰf Ŏ5 ýƬǕf

ǈùǆ Ǥùöǁƶ!f ýþƶ!f ȽǆǂơǆĂ ȽöƧƬǆ!f Ǥöǁƶ!f ȽöƧfþŰf Ƚǆǂơǆ!f ǁ!ȐǂĂ .(1)"ƘǤƅƛŰf ǈĂǉǤp ǈǆ (1)

.ȽöƑǤưp ǅǤǂơǅ ǈǆ ǉƧǂȐ ƨƅƪ Ǥǆ ýűƤ

ƘǤùƅƛŰf Ŏù5 ăĂƵþù!f Ŏ5ƧƱ ƨǂƧǆ Ŏ5 ƻűǩƤf ǁǤǉnj5 :njNjYǭǁǁ Ĭʓþư Ȑ!þǅ ƘĭΘ ǅǅ :ƒĭǆƑǩ

þƧ5!fĂ ĭĂp ƨǂƧǆ Ŏ5 ȽöƧfþŰf ăĂƵþ!f Ŏ5 lƧfþŰf ǈĂǂǩ Ƚöơ Ŏǉþǆ!f ƘǤƅƛŰf Ŏ5 ǊǉƵ ĭƧfþŰf

.ƇǤư l!f ǅǤǆǅ ǈöĂǤǉǩǆ ăĂƵþ!f ƻfƧƱǅ ǈĂǂö Ƚöǉþǆ!f ăĂƵþ!f Ŏ5 Ǥǆǉöƅƻöƶư ƨǂƧǆ Ŏ5

ƻ ùǁǩƤö ǤǆǉöƅŎƑǤǉɳ!f ƘǤƅƛŰf yǆ ĭƧfþŰf ƘǤƅƛŰf ǊƅǤƬǩö :ǕǤǂǅǁǁ lƑǤǩǕ ƒǉƤǅ ƘĭΘ ǅǅ :ƒǩǁƑǩ

Ƨùơ!f ƔNjȐǆ!f ĂNj ȽöƧfþŰf ăĂƵþ!f Ŏ5 ƘǤƅƛŰf Ŏ5 yǭǩǆ!f ƔNjȐǆ!Ǥ5 Ƚöǉþǆ!f ăĂƵþ!f Ŏ5 ǊǉƵ

.þölǆ!f ƔNjȐǆ!f ĂNj yǭǩǆ!f ƔNjȐǆ!f Ƚöǉþǆ!f ăĂƵþ!f Ŏ5 ǤǆǉöƅƘǤƅƛŰf Ŏ5

ƧĂþ ĭƧfþŰf Ŏùư Ǥl! Ƚöơ :ĬǆǭǅǁǁĬƬƑƪǁǁ þNjǭ ǅY ƹǂǬʓ ăþƐǭǕ ĬƬƑƪǁǁ þNjǭ ƑǅƇ :ƒyǤƐþ

ȽùöƧfþŰf ăĂƵþù!f Ŏ5ƧƱ ǈöƅ ǈƨfĂǩ!f lþǤƵǫ Ĭ!ǫ Ǌ!űƤ ǈǆ Ĭƶǉö Ŏlölơǩ ŎƑǤƽöǩǉf ŎƅǤɳöǫ

ǅǆűùƵ ǉƧùǂȐĂ Ü2003/2/18 Ƚǉǁɳ Ü(ƪ 51) Ƚǉǉ! Ü(7743) ǅpƧ ȽöƧƬǆ!f ĭƧfþŰf ƇǤư l!f Ƚǆǂơǆ ǅǂơ (1)

ƅĭǅűƨǕ ƅyĭþǉǁǁNj ĬyƬNjǁǁ ǅNjǆƑƪǁǁ ǅĭǤ ăþƐǭǕ ƄƑƬƪǁǁ !Ƒǅƈ lƑǤǆ ƅǂĭƨNjl ǭNjNjǉǁǁ YǭƑNjǉ Ü ƻǉĂö þǆơǆ
.211 Ü ƒ ÜƪƅǤǉ yɳƧǆ Û(ƅǆþƑƪǅ ƅƨƐþǭ)

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[illegible] .(1)[illegible]

[illegible]

[illegible] (1) [illegible] 1966 [illegible] .635 [illegible]
.611 [illegible]

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[illegible]

[illegible]

[illegible]

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üNjŬε ƘƟǴĎŽǁε

ăβεƣŰε ƖƑǴƙŰε Ĭʓ ƑNJƗĭƜƟNj ƕŭƣƑƴǁε ƣƑďƨŬεNj ƕŭĎŽƨβǁε ƣƑďƨŬε

LJĂǈǴù l!ƒĂ ŎǈβùdžƒLJĂǈǴù l!ƒ Ŏ5 ƗŏβǴƶ!ƒ βǴǈƪŰƒĂ Ɨŏdžƪƨ!ƒ βǴǈƪŰǴƕ ƘǴƕƛŰƒ ƗŏǁdžƵ ƴưƤƙ

.ƗùŏƨƒβŰƒ ăĂƵβù!ƒ ƗùƶŏƕƱ ƴdž ǴnjưƨǴƶƙ ǅβƵ ƱƨƬƕ ƘǴƕƛŰƒ Ŏ5 ƗdžǴƶ!ƒ βƵƒĂ!ƒ Σ5ǈ! ĭƨƒβŰƒ

ĭƨƒβŰƒ ƘǴùƕƛŰƒ Ŏù5 ǴnjƙŏƞơĂ ƗŏβǴƶ!ƒ βǴǈƪŰƒĂ Ɨŏdžƪƨ!ƒ βǴǈƪŰƒ Ɨơƕdž!ƒ ƒƦNj Ŏ5 ƴĂǴǈƙǈƪ NJŏǁƵĂ

:ŎƙŰƒ Ăơǈ!ƒ ĬǁƵ ǁ!ƦĂ LJŏƕǁƱdž LJdžư

üNjŬε ƒƗƯĎŽǁε

ƖƑǴƙŰε Ĭʓ ƑNJƗĭƜƟNj ƕŭĎŽƨβǁε ƣƑďƨŬε

Ŏ5 ǅƛ ǴnjƱĂƨƬ LJŏƕǈĂ Ɨŏdžƪƨ!ƒ βǴǈƪŰƒ NJ!ŭƤ ƨƸƶǈ ƴĂŰƒ LJŏƵƨ5 Ŏ5 ǁ!Ʀ ƴĂǴǈƙǈƪ Ɨŏơ

.ƘǴƕƛŰƒ Ŏ5 Ɨŏdžƪƨ!ƒ βǴǈƪŰƒ Ɨŏƞơ ƴĂǴǈƙǈ ŎǈǴƛ!ƒ Ƴƨ5!ƒ

ƑNJƯNjβƪNj ƕŭĎŽƨβǁε ƣƑďƨŬε ƨĭβƴƗ :üNjŬε Ʊβƨǁε

ƨƨùơƙ Ǵùdž ĂùNj Ŏdžƪƨ!ƒ βlƶ!ƒ" LJƊ ŎƪǈƨƎ!ƒ Ŏǈβdž!ƒ LJĂǈǴl!ƒ LJdž (1317) ƖβǴdž!ƒ Ŏ5 ǴǴƞ

ƖƨƨƖdž!ƒ ƱĂƨƬ!Ǵƕ βlƶ!ƒ NJŏ5 Ɣƙƚ ĭƦ!ƒ LJǴƚdž!ƒ Ŏ5 ƨŏƨơƙ!ƒ ƫơ ǅnj! LJŏƦ!ƒ LJŏŏdžĂdžƶ!ƒ LJŏƨĂdžǆdž!ƒ Ɨ5ƨƶdžƕ

LJƊ ĭƨƮùdž!ƒ ƘǴùƕƛŰƒ LJĂǈǴùƥ LJùdž (10) ƖβǴdž!ƒ Ŏ5 ǴǴƞĂ .[1]" ǁ!Ʀ! ƗŏƵĂưĂdž!ƒ βƵƒĂl!ƒ Ɣƪơ ĂƊ

ĂƊ NJŏβŏ ĬǁƵ ǅƙ Ǵdž ƗdžǴƵ ƗdžβƤƕ ƨǁƚdž ƒ ƤƬ ĂƊ ǅǴƵ ƨƯĂdž ƘƕƛŏŎƙ!ƒ ŎNj Ɨŏdžƪƨ!ƒ ƘƒƨƨơƵdž!ƒ"

.[2]"NJƮǴƮƙƤƒĂ NJƙƱǁƪ βĂβơ Ŏ5Ă ƗŏǈĂǈǴl!ƒ ƳǴưĂū! ƵlƕƱ ǁ!ƦĂ LJǆƬ!ƒ ĭĂƦ LJdž ǈǴlǁƙ Ǵdž

(1) ǕƙƬǆ Ŭƒdžơ ŬβƵƨ β ƕǁƑƨ ƖƑǴƙŰε Ŭ1950Ŭ ƴdžƨƞƴ ƪǴƕ ŬƵ 179 ƒ.

(2) LJĂǈǴƥ ƘǴƕƛŰƒ Ŏ5 ƒĂdž!ƒ βǈƨǴdž!ƒ ƗŏƨǴƞƙ!ƒĂ ĭƨƮdž!ƒ ƨƥƙ (25) ǈǁƪ! Ɨ 1972 ĂƙβƶŏŭƙNJ.

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þĠǰùƪŰƒ ƧƁƶƙ! 1952 Łǰƪ! (30)ĎǻƧ ŎǰþƧŰƒ ƘĠǰǿŀ!ƒ ǈĂǰĠǷ ǈďž (1/6) ǉþĠďž!ƒ ƘĊĞƞĂ

:ŁŏďžƪƧ!ƒ Ƙƒþǰƪ!ƒ" ýĂǀƙ5 ŁŏďžƪƧ!ƒ

Ďž‡ơŏĂ ŁŏǰĂǰĠǀ!ƒ ƳĠưĂǖ! ĠǀŀƱ ĞǌďžŏƲǰƙ ĎǌƮĠƮƙƤƒ ǈďž ǈŏƦ!ƒ ǈĂ5ƲĂďž!ƒ ĞǌďžƲǰŏ Ŏƙ!ƒ Ƙƒþǰƪ!ƒ .Ď

.ĞǊƧŏĂƨƙ ƘŀǈŏĎž! Ġďž Ğǌŀ ýďžƶŏĂ Ğǌŏ5 ǋŏǈƵ ƒ ǰ Ġďž ƘĠŀǈǫ ĞǊƨƧŀďž Ƨǈ‡ŏ ǈƒ ǈĂþ Ğǌŀ

ǴùǀŀƱ ĞǌǀŏþƮùƙ ĎǌƮĠƮùƙƤƒ ǈďž ĭƦ!ƒ ǈĂ5ƲĂďž!ƒ ĞǌǽþƮŏĂ ĞǌŀĠơƮĎ ĞǌďžƲǰŏ Ŏƙ!ƒ Ƙƒþǰƪ!ƒ .Ƴ

.[1]Ʊǀ5 ýŏǽĂƙ!ƒĂ ơǰŏƧĠƙ!ƒ Ŏ5 Ğǌŀ ýďžƶ!ƒ ƧƮơǰŏĂ ǈĂǰĠǀǈ!

ǉþĠďž!ƒ Ƙ5ƧƵ" :Ƙ!Ġǀ5 Ğǌ! Ďž‡ơ Ŏ5 ŎďžƪƧ!ƒ þǰƪ!ƒ ƧƁƶƙ! ŁŏǰþƧŰƒ ƨŏŏďžƙ!ƒ Łďž‡ơďž ƘĊĞƞĂ

ǈùďž ǈŏƦù!ƒ ǈĂù5ƲĂďž!ƒ ĠùǌďžƲǰŏ Ŏƙ!ƒ þĠǰƪŰƒ ĞǌǰĎ ŁŏďžƪƧ!ƒ þĠǰƪŰƒ ƘĠǰǿŀ!ƒ ǈĂǰĠǷ ǈďž ŁƪþĠƪ!ƒ

ƒ ùǰ Ġùďž ƘĠŀǈǫ ĞǊƨƧŀďž Ƨǈ‡ŏ ǈĎ ǈĂþ Ğǌŀ Ďž‡ơŏĂ ŁŏǰĂǰĠǀ!ƒ ƳĠưĂǖ! ǴǀŀƱ ĞǌďžŏƲǰƙ ĎǌƮĠƮƙƤƒ

.[2]"ĞǊƧŏĂƨƙ ƘŀǈŏĎž! Ġďž Ğǌŀ ýďžƶŏĂ Ğǌŏ5 ǋŏǈƵ

ŁùďžĠƵ ŁùďžþƤŀ ƧǈŏǈĎž ĂĎ ĎžĠƵ ƧƲĂďž Ł5ƧƶďžŀĞǊƧŏƧơƙ Ďžƙ ŁǽƧĂ ý‡ ǈĎ ƾŀƪ Ġďžďž ǊƙǰƙƪǰŀƵ

ƳƪùơĂ ǰƧĂưùơŀ ǈĎƮù!ƒ ƳĠơùƮĎ ǈďž ĞǌƶŏǽĂƙ Ďžƙ ĂĎ ƘĠŏǈƮ!ƒĂ ƒ ĠƮƙƤŰƒ þƵƒĂǽ Ƴƪơ

ǈùƵ Ŭǫ ǈĂù‡ŏ Ŭ ǊƙơƮŀ ǈƶƱ!ƒĂ ŬǊŏ5 ĊĞƞ ĠďžŀƜĞƞƙơŰƒ ǈ‡ďžŏ ǴŏďžƪƧ ǯþǰƪ ƧŀƙƶƙǊƮĠƮƙƤƒ

.ƧŏĂƨƙ!Ġŀ ǈƶƱ!ƒ ƾŏƧƱ

ǊƙŬŏþƶƙĂ 1952 Łǰƪ! (30) ĎǻƧ ŎǰþƧŰƒ ƘĠǰǿŀ!ƒ ǈĂǰĠǷ (1)

.Ł!ƒþƵ ƨ‡Ƨďž Ƙƒ ƧĂƮǰďž Ŭ2004/11/22 ơǰŏƧĠƙ (2004/1605) ĎǻƧ ƧƒƧǷ ŬŁŏǰþƧĎ ƾĂǀơ ƨŏŏďžƙ (2)

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[illegible]

[illegible]

[illegible] (1) [illegible]

[illegible]

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[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] (2) [illegible]

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(1) [illegible] 2006 [illegible] 129 [illegible] 114 [illegible] 638.

(2) [illegible] 1956 [illegible] 167.

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ǘù5 ŧlŀĢʅ!f lƨlƽ!f Ŏ5 ljƥƨfĂ!f ƱĂƨT!f ƥĢŀjʅǕf ljŖǊ Ŏ5ĂƙʅƙDž! fŖ" :ĢŋĵĂlŀ ǁ!Ŗ Ǐ ǁƵ 1952 ŧŀjʅ!

ĂDž DžǌjƶŏpfĂùƙŀ Ģùǌjŏǁ Ƶ fĂùƶpĂ ƥp LJǋT!f ĂĂŖ LJĂǂŏ LJD ƱƨTŀ ÜŧŏƥĢƶ!f ƥĢŀjʅǕf ŧdžŏp Ǖƹ Ģǌj! LJĂǂŏ

."DžǌjƶŀĢ ƬD ƘĢdž Ƭŀŀ ĂDž DžǌjdžĢƙƤdžŀ

l ƑĢƙǕƐ Ǐ ʒ ŀǐDžƨ ƥǁƐ ơƑdžƨǕƐ ŀǐШƟ : ǏdžƑƙǁƐ Ʊƥƻǁ Ɛ

ǁ ǁƙ Ƙŀƛŏ LJD IJ ǊŀŀǁʅdžƙŏLJdždžƔǁƱǆ ǕĂ ŧŏƥĢdž!f ǊƙdžǘʅǏǁƵ ŧŀjŏƨp Ŏdžʅƨ!f ƥŀjʅ!f ƨŀƙƶŏ

LJƶƱ!Ģùŀ Ǖƹ ƨdžǕf fŖǊ LJĂǂŏ ǕĂ ǁ!Ŗ Ƙŀƛŏ LJD Ǌƙdžǘʅ DžƥƵ ŎƵƥŏ ǐŖ!f DžƬƤ!f Ǐǁ Ƶ ýŀ ŧơƬ!f

LJùdž Ǐù ǁƵ ƘĢŀjĢŏŀ LJdž Ǌŏ5 Ģdžŀ ŧηơ ƥŀjʅ!f ŧŏdžʅƨ Ƙƙŀƛ Ģdž Ǐƙdž LJĂǂŏ ĢŀjǊjĂ .ƨŏĂƨƙ!Ģŀ ƥŀjʅ!f ǁ!Ŗŀ

.ƨŏʒ!f ǏǁƵĂ Ǌŏǁ Ƶ ýpĂ

ŎùŀjƥƨǕf ƘĢŀjŏŀ!f LJĂŀjĢpĂ [1](11) ljƥĢdž!f Ŏ5 ǐƨƬdž!f ƘĢŀƛǕf LJĂŀjĢp ŧŏηơ!f ljŖǊ ƥǂD ƥpĂ

Ŏdžʅƨ!f ƨƨơdž!f LJǋŀ" ýĂlƙ5 ŧŏηơ!f ǁǁƙŀ ƨlƙ! ŧŏʅŀjƨƽ!f Ư lŀj!f ŧdžǂơdž ƘCĢηĂ .[2] (7) ljƥĢdž!f Ŏ5

ƘƶpĂ Ŏƙ!f ǁǁƙ ĂDž ǊʅƽŀjŀƒƙƤdž!f ƵƱĂdž!f Ģǌjŀ DžĢp Ŏƙ!f yƑĢpĂ!f Ŏ5 ƨŏĂƨƙ!Ģŀ LJƶƱǆ LJD Ǐ!ƹ ŧηơ

.[3]"ǊƬĢƬƙƤfĂ ǊƙdžǌjdžƥĂƥơ Ŏ5 ǁ!ŖĂ ÜĢǌjŀjŏĂƥƙŀ DžĢpĂ ljƨĂươ Ŏ5 LJǋT!f ǐĂŖ LJdž

LJdž LJǘƵǗf ŧpƨĂ LJD ŧdžǂơdž!f ljŖǊ CĢưp Ŏ5 ƨƨldž!f" Ƙ!Ģl5 ŧŏƨƬdž!f Ư lŀj!f ŧdžǂơdž ĢdžD

ĢǊjƨùTĢŀ ƨĂùdžD LJùdž Ģùǌjŀ ƥƨĂ Ģdž ǏǁƵ ŧlǁƱdž!f ŧŏηơ!f LJĂŀjĢl!f ƷŀʅD Ŏƙ!f ŧŏdžʅƨ!f Ƙfƨƨơdž!f

ýùƬD Ŏ5 ƨươdž!f ǊƙŀƛfĢdž Ŏ5 ŧ!ƥĢηdž!f ýŀlƙ ǕĂ ĢǊjƨŏĂƨƙ LJŏŀƙŏ Dž! Ģdž ǊƙdžǌjdžƥĂƥơ Ŏ5 ĢǊjƨƨơdž

.[4]"ƨŏĂƨƙ!Ģŀ ƘĢŀjĢŏŀ!f Ŏ5 LJƶƱŏ Dž! Ģdž LJǘƵǗf

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(1) ƨƱŀjD ljƥĢdž!f (11) LJĂŀjĢp ƘĢŀƛǕf ǐƨƬdž!f Džpƨ (25) ŧŀjʅ! 1968.

(2) ƨƱŀjD ljƥĢdž!f (7) LJĂŀjĢp ƘĢŀjŏŀ!f ŎŀjƥƨǕf Džpƨ (30) ŧŀjʅ! 1952ο

(3) Ư lŀj Ŏʅŀjƨ5 Ŏ5 19 ƩƨĢdž 1895Ü ƨĂ!fƥ 1896-1/201. ljƨǂŖĂ ÜƔŏŀT!f ÜƩŀĢơ lƑdžǐĢǁƐ ŀǐƱơǁƐ ŀǐǕ lƑĢƙǕ
ƔơǊ! DžʅƥǊƔŀǐ ƥƐƽǁƐ ăƥƐơǕƐ Ǐʒ ƔơǊǊj ýηƨdž ÜƅƑƷǁǕƐ Üƽ ŀĢʅ f 146.

(4) ŧdžǂơdž Ư lŀj!f ŧŏƨƬdž!f LJƶƱ Džpƨ (410)Ü ŧŀjʅ (47 ƽ)Ü 1985/4/28.

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ŧőďžùƪƧ!ƒ ƘƓƱĂŀư!ƒ ƧŀƙƶƘ" Ɠnj!Ăŀŀ ƓnjďžƓŧơƒ ƥơƌŀ ƥŧƋƙ! ŧőǉƥƧǕƒ ƨőőďžƙ!ƒ ŧďžŧơďž ƘƇƓƞĂ

ƩƓùǉ!ƒ ĬĿƵ ŧƞơ ŧőǉĂǉƓl!ƒ ƳƓưĂǖ! ƓlŀƱ ƓnjďžőƱǉƙ Džnjƫ Ɠƫ ƙƤƒ ǇďžǇőƦ!ƒ ǇĂƽƱĂďž!ƒ ƓnjďžƱǉő Ŏƙ!ƒ

ĭĂƦ ǇùďžƘùƶpĂ ĂĐ ǊƫƓƫ ùƙƤƒ ƥĂƥơ Ŏƽ ƻƱĂďž!ƒ Ɠnjŀ DžƓp ŧőƥƓďž ýƓƶƽĐ ǇďžƓnjőƽ ǇĂƥ Ɠďžŀ ŧƽƓŧ

ǇĂǉƓp Ǉďž (7Ă 6) ǇőƙƥƓďž!ƒ ƒ ǉŀ ǖďžƵ ŧőǉĂǉƓl!ƒ ƾƧƱ!Ɠŀ ƓǋƧőĂƨƙ Ǉőŀƙő Dž! Ɠďž ǉƧĂươ Ŏƽ ǇƋT!ƒ

ƳĂùưĂďž ƯƧǕƒ ŧùƶƱp ŧù!Ɠơŀ ƒ ƙƤďž!ƒ ƻƱĂďž!ƒ ǇƵ ƧƥƓƫ!ƒ ƧƒƧl!ƒ Ƨŀƙƶőƽ ǊőĿƵĂ ƘƓǉőŀ!ƒ

ŧù!Ăŀǉďž!ƒ ƧùőƸ ýƒĂùďžǕƒ ƴưĂ ǇĂǉƓp Ǉďž (13) ǉƥƓďž!ƒ DžƓŧơĐ ƾƽĂ ƧőƤǕƒ ƥĂƒƨďž!ƒ ĬĿƵ ăĂƵƥ!ƒ

ƩƓùǉ!ƒ ĬùĿƵ ŧƞơ ŎƒƓnjǉ!ƒ ƧƒƦǉǗƒ ǉƥďž ƇƓnjƙǉǓ ŧőƶƱp ŧ!Ɠơƺ 1953 ŧǉƪ! (46) DžpƧ Ǉőƥŀ! Ɠǉőďžďžƙ

.[1]"ŧőƥƓďž ýƓƶƽĐ Ǉďž Ǌőƽ ǇĂƥ Ɠďžŀ ŧƽƓŧ

Ǌƪùƽǉ ƻùƱĂďž!ƒ Ǉďž ƘƶƥĂ Ŏƙ!ƒ ŧőďžƪƧ!ƒ ƥƓǉƪǕƒ Ƙ!ĂƓǉƙ ƓnjǉĐ ŧŀƓƪ!ƒ DžƓŧơǕƒ Ǉďž ǋƙǉƙƪǉ

Ŏùƙ!ƒ ŧőďžƪƧ!ƒ ƥƓǉƪǕƒ ƓďžĐ ǉƧĂươ Ŏƽ ǇƋT!ƒ ĭĂƦ Ǉďž ƘƶƥĂ ĂĐ ǊƫƓƫƙƤƒĂ ǊƙƽőƱĂ ƥĂƥơ Ŏƽ

Ŏùnjƽ Ɠnjƙơùƫ Ǉďž ƥŧƋƙő ǇĐ ǇĂƥ Džnjƙő!ĂƋƪďž Ƙơƙ ƓnjǉőĂƥƙŀ ƻƱĂďž!ƒ DžƓpĂ ǇƋT!ƒ ĭĂƦ Ǉďž ƘƶƥĂ

Ɠùďž Ǉƺ" :Ɠùnj!Ăŀŀ ƥƥƫ!ƒ ƒƦnjŀ ŧőǉƥƧǕƒ ƨőőďžƙ!ƒ ŧďžŧơďž ƘŀǋƦ ƥpĂ ÜŧőďžƪƧ!ƒ Ƙƒƥǉƪ!ƒ Ǉďž ƧƤƈ ƳĂǉ

ƸĿŀƙ ĭƦ!ƒ ǇĐ Ǉďž ŎpĂlơ!ƒ Džŧơ!ƒ DžǖƵƺ ƸőĿŀƙ ƧŀƤĂ DžĿƵ Ŏƽ ƘƓǉƓőŀ Ǉďž ǇƋT!ƒ ĭĂƦ ǇƓƪ! ĬĿƵ ƥƧő

ƥĂƥùơ Ŏƽ Ƨươďž!ƒ Ɠnjŀ DžƓp Ŏƙ!ƒ ŧőƥƓďž!ƒ ýƓƶƽǕƒ Ǉďž Ƨŀƙƶő Ǔ Ǉőƨőďžďž!ƒ ăƥ! ýĂƋƪďž ƻƱĂďž ĂǋƝ

ŧùƽƓŧ ƩƓǉ!ƒ ĬĿƵ ŧƞơ ŧőƥƓďž ƴƑƓpĂ Ǉďž Ƨươďž!ƒ ǊǉĂƥ Ɠďž Ǉƌŀ ýĂl!ƒ ƥƧő ǖƽ Ŏ!Ɠƙ!ƓŀĂ ǊƫƓƫƙƤƒ

ƧùŀƤĂ DžùĿƶŀ ƥƧĂ Ɠďž ƻǖƤ ĬĿƵ ýő!ƥ!ƒ ŧďžƓpƺ ƨĂƞő ǊǉǕ ŧőǉĂǉƓl!ƒ ƾƧƱ!Ɠŀ ƓǋƧőĂƨƙ Ǉőŀƙő Dž! Ɠďž

.[2]"ƘƓǉőŀ!ƒ ǇĂǉƓp Ǉďž ŧƶŀƓƪ!ƒ ǉƥƓďž!ƒ Ǉďž ŧőǉƓĂ!ƒ ǉƧlƽ!Ɠŀ ǖďžƵ ƸĿőŀƙ!ƒ

1993 ǇƒƧùőƨơ 41 ŧǉƪù!ƒ ÜƩƥƓƪ!ƒ ƥƥƶ!ƒ ÜDžĩĐǇƟDžĿƐ ŀƓƒƾďž ŀŧǇǇĐ Ü(92/815) DžpƧ ÜŧőǉƥƧĐ ƾĂlơ ƨőőďžƙ (1)
.1198 ƒ Ü(ŧďžƓƵ ŧƑőǋ)

ŧùőƥƓơ!ƒ ŧǉƪù!ƒ 9 Ü8 Ü7 ƥƥùƶ!ƒ ÜDžĩĩĩƥǉƥǕƐ DžĩĩĐǇƟDžĿƐ ŀƓƒƾďž ŀŧǇǇĐ Ü(91/1312) DžpƧ ŧőǉƥƧĐ ƾĂlơ ƨőőďžƙ (2)
.1406 ƒ Ü1993 ǇƒƧőƨơ ÜǇĂƶŀƧǕƒĂ

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Ɨù!Ǵơ!ƒ Ŏù5 Ɨ!ĂďŤď!ƒ ƗŏďƪƧ!ƒ ƥǴǉƪŰƒ ƧǊǩƶǩ" Ǵnj!ĂǀǊ Ɨď ǂơď!ƒ Ʃǉ! ƧƤǵ Ďǂơ Ŏ5 ČǴƞĂ

ĎǴùďĐ Ɨpǖƶ!ƒ ƔǴơƮĐ ǴNjƥƧĂŏ Ŏǩ!ƒ ƘǴǉǴǊ!Ǵ Ɨ ƮǴƤ!ƒĂ ƘǴǉŏǊ!ƒ ǇĂǉǴp Ǉď Ɨƶ ǊǴƪ!ƒ ǉƥǴď!ƒ Ǉď ƗŏǉǴǙ!ƒ

ƧùǊǩƶǩ5 Ŏďƪ Ƨ!ƒ ƥǉƪ!ƒ ƒƦNj Ŏ5 ƘǴǉǴǊ!ƒĂ ƘǴďĂǀƶď!ƒ ǉƦNj ƷƒƧ5ǀǊ ĎĂǀŏ5 ƒ ǩƤď!ƒ Ŏďƪ Ƨ!ƒ ƻƲĂď!ƒ

Ŏ5 NŏǀƵ ǏƵƥď!ƒĂ ŎƵƥď!ƒ ǇƵ ƧƥǴƮ!ƒ ƧƒƧpŰƒ ƧǊǩƶŏĂ ŰǴnjƪǂƵ ǏǀƵ ýŏ!ƥ!ƒ ĎĂǀŏ ǇĐ Ǐ!ǫ Ɨơŏơ Ʈ

ƻŰǵ ƗùŏǉǴďǙ ĂùNj ƯƧǕƒ ƗƶƱp ǇďǙ ǇǀǊ Ŏďƪ Ƨ!ƒ ƻƲĂď!ƒ ĎǴďĐ Ŏďƪ Ƨ ƥǉƪ ĂNj ǐƦ!ƒ ƴŏǊ!ƒ ƥǀƵ

.[1]"ƘǴǉŏǊ!ƒ ǇĂǉǴp Ǉď ƗƶǊǴƪ!ƒ ǉƥǴď!ƒ Ǉď ƗŏǉǴǙ!ƒ Ɨ!Ǵơ!Ǵ Ɨ!ĂďŤď!ƒ ƗŏďƪƧ!ƒ ƥǴǉƪŰƒ Ǉď ĂNj ƧǴǉŏƥ

ǇùďŎǉƥùď!ƒ ČǴư!ǀ!ƒ ƻpĂď ǏǀƵ ČĂư!ǀ!ƒ ǴǉŏǀĐ ƥp ǇĂǂǉ ƗǀǊǴƪ!ƒ ĎǴǂơŰƒ ýǖƤ ǇďĂ ƒƦNj

ǁùǀǩ ǴnjǩǉǉďƯùǩ Ŏǩ!ƒ ƘǴǉǴǊ!ƒ ƳƒĂǉĐĂ ƗŏďƪƧ!ƒ ƥǴǉƪŰƒ Ƙ!ĂǴǉǩ Ŏǩ!ƒĂ ƘǴǉŏǊ!ƒ ǇĂǉǴp Ǉď (7) ǉƥǴď!ƒ

Ŏù5 NǉƪùǕǉ ƻƲĂď!ƒ Ǉď ƘƶpĂ Ǵď Ǐ!ĂŰƒ ŰƘǴǉǴǊ!ƒ Ǉď ǇŏƵĂǉ ǇŏǊ ƽŏƧǕǩ!ƒ Ǵǉ! Ǉǂďŏ Ɨŏơ ǉƥǴď!ƒ

ǇǙŤ!ƒ ǐĂƦ Ǉď ƘƶpĂ ƘǴǉǴǊĂ ǉƧĂươ Ŏ5 ǇǙŤ!ƒ ǐĂƦ Ǉď ƘƶpĂ ĂĐ NƮǴƮǩƤƒĂ NǩǕŏƲĂ ƥĂƥơ

.[2]ĎnjǩŏĂƋƪď ƘơǩǴnjǉŏĂƥǩǊ ĎǴp ƻƲĂď!ƒĂ

Ŏù5 ƽùǊƱǩ Ŏùǩ!ƒ ŎNj Ŏǉƥď!ƒ ƘǴǊǙŰƒ Ŏ5 ƗďǴƶ!ƒ ƥƵƒĂǀ!ƒ ǇĂǂĂ ǐƧƒƥŰƒ ČǴư!ǀ!ƒ Ŏ5 ǴďĐ

ƥƧĂ Ǵùď ƻ!ǴƤŏ Ǵď ƘǴǙǫ ƨĂƞŏ Ű" :Ǵnj!ĂǀǊ ǴǀƶƵ!ƒ ýƥƶ!ƒ Ɨďǂơď! Ďǂơ Ŏ5 ČǴƞ ƥǀ5 ǐƧƒƥŰƒ ƘǴǙŰƒ

.[3]"ǇĂǉǴ!!ƒ Ǵnjďƪ Ƨ Ŏǩ!ƒ ƽƧƱ!Ǵ Űǫ Ŏďƪ Ƨ ƧŏƧǀǊ

ǇǴù ǂ Ŏǩ!ƒ ǉǙŤǉď!ƒ ǏǀƵ ƫŏǩƽǩ!ƒ ƧươďýǖƤ Ǉď ƘǊǙ ƒƦǫ ...." :Ǵnj! ƧƤǵ Ďǂơ Ŏ5 Ƙ!ǴpĂ

Ɨùďǂơď ǇĐ ƥùǂƋŏ ƒƦNjĂ .[4]"....ƧŏĂƨǩ!Ǵ Űǫ Nŏŏ5 ǇƶƱŏ ǇĐ ƨĂƞŏ Ű ǐƦ!ƒĂ ŎƵƥǉď!ƒ ǴnjǊ ýďƶŏ

ǴùnjďǴďĐ ƗƵĂ5Ƨď!ƒ ƗŏƧƒƥŰƒ ăĂǴƵƥ!ƒ ǏǀƵ Ŏǉƥď!ƒ ƘǴǙŰƒ Ŏ5 ƗďǴƶ!ƒ ĎǴǂơŰƒ ƘǀǊƱ ƥp ǴǀƶƵ!ƒ ýƥƶ!ƒ

(1) ƨŏƥďǩ ƽĂǀơ ƗŏǉƥƧĐ ĎŏƧ (2004/727) Ű2004/5/10 ƣŏƧǴǩ ƘƒƧĂŤǉď ƨǂƧď ƵƥƲ Ɨ!ƒ.

(2) Ű ƔŏǊ!ƒ Ǵ ǴƩǊǴơ ŰƔ ǀŏǴƧǀ ǀƪǀǂ ŰǀƤǂ ǁ ƒǫ Ǐ ... ƔǀƧǴnjǴ ƔǀƥǴƥǂ ƥƧǂǁǁ ǂ ǁŏǀ ǂ ǉƞƧ Ʋǀ ƳƧǉ ǴƮ Ʊ
.148،147،146 ƒ

(3) ƵƥƲ ǏǀƵ ŰƧƒƧp ĎŏƧ (71/57) ǊǂƮǂǁ ŰǀǀƦǴƥŰ Ű ƗƥƵ!ƒ Ű2Ă1 Ű1972 ƪǉ ƒ 127.

(4) ƵƥƲ ǏǀƵ ŰƧƒƧp ĎŏƧ (2003/430) ƗǕǀŏNj ƗƤƥƪ ŰŏǀǴ ƣŏƧǴǩ Ű2003/10/30 ƘƒƧĂŤǉď ƨǂƧď ƵƥƲ Ɨ!ƒ.

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[illegible] "... [illegible] (7) [illegible] ...."[1].

[illegible]

[illegible] ".[2]" [illegible]

[illegible]

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(1) [illegible] (2014/61) [illegible] 2014/4/29 [illegible] .www.qistas.com

(2) [illegible] 1949/11/15 [illegible] 12 [illegible] 1951/1/23 [illegible] 469 [illegible] 1951/4/17 [illegible] 782 [illegible] 1110 [illegible] 149 [illegible].

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[illegible]

[illegible] (9) [illegible] (8) [illegible] 1952 [illegible] (30) [illegible]
[illegible].[1]

[illegible].[2]

[illegible] (13) [illegible] (25) [illegible] 1968 [illegible]
[illegible]"....[3]

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(1) [illegible] (9 [illegible] 8) [illegible] (30) [illegible] 1952 [illegible].

(2) [illegible] (2004/805) [illegible] 2004/7/28 [illegible].

[illegible] (2004/816) [illegible] 2004/8/16 [illegible].

(3) [illegible] 115 [illegible] (13) [illegible] (25) [illegible] 1968.

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ƦùƤdk LJD Ƙùdž ǂơdžǁ!" Ǵùnj!Ălh ǴnjdžǴǂơD ƥơD Ŏ5 ƘŏƧƮdž!f Ǵǒǁz!f ƘŏƧfƥŰf Ƙdžǂơdž!f ƘCǴηĂ

Džù! ƥĂơη!f ǁ!Ʀ LJD ƘƧƶTkƪf LJǫ LJƵǴƱ!f ǴNjƥơη Ă! Ĭkơ Ƙdžƥldž!f ƘfƥLjkƪdžǁ! ƘŏFĂư!f lƧĂƮ!Ǵh

ƘǴƪhǚdž Ƙ5Ǵǂ Ă ýǴơ!f ƻĂƧU LJdž ƘkhǴλ Ƙdžnjk!f LJĂǂ Ƙ!Ǵơ Ŏ5 ăĂƵƥ!f Ŏ5 ýƮ5!f ýŏƱƶk! Ǘǫ LJǂŏ

.[1]"ăĂƵƥ!f

DžǴǂơDĂ ŎLjƥdž!f LJĂLjǴl!f ƥfĂdžh ǴnjkŏηơƘdžUǁ ƥp Ŏdžƪ Ƨ!f ƥLjƪ!f lƧĂƮ LJD ƨhƪ Ǵdždž Uơǚ Lj

ăĂƵƥù!f Ƙùƶŏhƍ ydž ƯƧǴƶkŏ Ǘ Ǵdžŏ5 ǴnjlŏhƱk Ĭǁ Ƶ Ƙǁdž ƵĂ ƧƮdžĂ LJƥƧǕf Ŏ5 ĭƧfƥŰf CǴưl!f

.NJdžƥƵ LJdž Ǵnjh ƦƤǖ! ƘŏƧŏƥlk!f NJkƱǁƪh ĭƧfƥŰf CǴưl!f ƨơh UǴ5kơǛf ydž ƘŏƧfƥŰf

Ĭdžfkǁɛ ƒǂƯDžǁɛ

l ƒǴkǕɛ Ĭʒ ƒNJƗĭǁɵNj hŭɑFyǁɛ ɑFdžƨǕɛ

ǴnjkŏηơĂ Ƙŏ5Ƨƶ!f ƥǴLjƪǕǴh Ưƶh!f ǴnjŏdžƪŏǴdžǂ ĂD Ƙŏƥǵƶ!f ƥǴLjƪǕf ƔǁƱdž!f fƦNj Ŏ5 ýĂǴLjkLjƪ

ýĂǴLjkLjùƪ ŁJǴλ YƧ5 Ŏ5 DžλǴnjƱĂƧTĂ Ƙŏƥǵƶ!f ƥǴLjƪǕf NJŏ5 ƻƦƶLj ýĂǕf :LJŏƵƧ5 LJdžư ƘǴhλǕf Ŏ5

.ƘǴhλǕf Ŏ5 Ƙŏƥǵƶ!f ƥǴLjƪǕf Ƙŏηơ

ƒNJƯNjƥƪNj hŭɑFyǁɛ ɑFdžƨǕɛ ƹĭƥyƗ :üNjǕɛ Ʊƥƻǁɛ

ƥLjƪù!f" ǴùnjĂlh ĭƥǴùƶ!f ƥLjƪù!f Ƙ5ƧƵĂ ŎLjƥƧǕf ƘǴLjŏh!f LJĂLjǴp LJdž (10) lƥǴdž!f ƘCǴη

NJù! ƘƪùŏĂ NJƶhƮD ƘdžƮh ĂD NJdžkǴƤ Ĭǁ Ƶ ĂD NJLjƵ Ƨƥ Ʈ LJdž yŏpĂk Ĭǁ Ƶ ýdžkTŏ ĭƦ!f ĂNj ĭƥǴƶ!f

.[2]"Ŏdžƪ Ƨ!f ƥLjƪ!f Ƙ5Ʈ

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(1) ƘŏƧfƥǫ Ǵǒǁ Ƶ ƘŏƧƮdž ǗƘŏƧƮdž LJƶƱ DžpƧ (4529) Ǘ ƘLjƪ (35 ƨ)Ǘ Ƙƪǁη 1990/11/17.

ƘŏƧfƥǫ Ǵǒǁ Ƶ ƘŏƧƮdž LJƶƱ DžpƧ (4028) Ǘ ƘLjƪ (37 ƨ)Ǘ Ƙƪǁη 1993/12/26.

(2) ƧULjf ƒ Lj lƥǴdž!f (10) LJdž LJĂLjǴp ƘǴLjŏh!f ŎLjƥƧǕf DžpƧ (30) ƘLjƪ! 1952 ƘkǚŏƥƶkĂ.NJkǚŏƥƶkĂ

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ǈǕǛ ƴǕǾǻǍǩ ƴǕǛơǩǍ ǄǦǕƶ!ƒ ƻƱǍǛ!ƒ ƧǿƩ ǈƵ ƧþƬǩ ƗǻƧǍ ƴǂ ǍǋǈǨ ǐþǦƶ!ƒ þǉƮ!ǦƼ

.ǊǩǛƬǅ ǍǄ ǊǛǩƤ ǍǄ ǦǋƧþƬǄ

:ǦǛǋ ǈǿƱƧƬ [1]ǑƼƧƶ!ƒ þǉƮ!Ǧǅ ƯƶǄ!ƒ ǊǿǛƮǿ ǦǛƗ ǍǄ ǐþǦƶ!ƒ þǉƮ!ƒ ǑƼ ƱƧǩƬǿƼ ǊǿǉƵǍ

.ƘǉǦƗ Ɨƺ! ǐǅǍ ƗƵǦǅƱ ǍǄ þǿ!ƒ ƱƤǅ ǅƒǍƮ ƗǅǦǩƗ!ƒ ƱƧƬ ǊǿƼ ƧƼǍǩǿ ǈǄ :ǗǋǇ

ǈǍǕƗǿ þǕǻǍ ǊǿǃǦ ƔƮǉǣ ǏǩơǉǦþƬǄ ǈǛ ƴǻǍǩ ƴǛơǿ þǉƮ!ƒ ǈǍƗǿ ǈǄ ǏǉƶǛǅ ƴǻǍǩ!ƒ ƱƧƬ :ƒǐǛƑǩ

.ǊƶǅƬƒ ƗǛƬǅ ǍǄ ǄǩǦƤ ƴƗƬ ǏǉƵ ƒ ƤƬ!ƒ ǄƮǦǅ ƴǻǍǩ!ƒ

ƧƧǕơǛ!ƒ ƧǕǅǩƶǿ) :ǦǋǍǉǅ ǁ!Ʀ ǏǉƵ ǐƧƬǛ!ƒ ƘǦǅǗƒ ǈǍǉǦǻ ǈǛ (14) ǉþǦǛ!ƒ ƘƬǉ þǻǍ

ǍǄ ǄǩǕƤ ǍǄ ǅǦưǛǫ ǍǄ ƱƤ ǈǛ ǊǿǋƔ ƔǍƮǉǛ ǍǋǦǛ ƗơƒƧƬ ƧƗƦǿ ǄǋǦǛ ǊƺǻǍ ǈǛǛ ǂƧþǦƬ ǑƼƧƶ!ƒ

ƧþƬǛ!ƒ ǍǋƩǿ! ƴǅƬǗƒ ƗǛƬǆ ƴǻǍǩ!ƒ" :ǦǋǍǻ ƗǿƧƬǛ!ƒ Ư ǉǉ!ƒ ƗǛƗơǛ! ǄƗơ ǑƼ ǅǦƞǍ (ƗǛƬǅ

ǍǄ ǅǦư ǕǛǗǦǅ ƴǕǾǻǍǩ!ƒ ǊǕƶǛ ǎǍǦƮǩǿ ƴǅ ǗƗǿƼƧƶ!ƒ ƨƒƧǍǗƒ ǏǉƵ ƗǿƞơƒǦƼ ǅǦưǗ þǿơǍ!ƒ ǑǉǍǉǦǉ!ƒ

.[2]"ƘǦǅǗƒ ǈǍǉǦǻ ǈǛ (1/14) ǉþǦǛ!ƒ ǊǅǑ ưǉǩ ǦǛ! ǄǉƼǍ ǄǩƤ!ƒ ƗǛƬǅ

ǊǕǅ ǋǩǕơǿ ǗǍ ƴǾǻƒǍǩ!ƒ ƘþþƺǩǍ ǍǄ ǏǩơǊǿǉƵ ƴǻǍ ǈǛ ƴǂ ǏǉƵ ǖǿ!þ þǉƮ!ƒ ƧǅǩƺǿǍ ƒǋǇ

ǗǁǕ!Ʀ ǏǕǉƵ ǈǍǉǦǕ!!ƒ ƒ ǉ ƒǨ ǗǫσǿƧǦǩ ǏǉƵ þǉƮ!ƒ ǐǍǩơǿ ǈǄ ǄƨǉǿǗǍ ǗǊǿǉƵ ƴǻǍǿ ǄǛ! ǈǛ ǏǉƵ

ƾƧǕƱǅ ƻƧƬǩ!ƒ ǁ!Ʀ ƘǦǅǫ ǈǂǛǿ ƗǿǍ ǏǉǍǉǦ!!ƒ ƻƧƬǩ!ƒ ǈǖƱǅ ǏǉƺǿǗ ǐþǦƶ!ƒ þǉƮ!ƒ ǈǖƱǅǍ

.[3]þǉƮ!ƒ ƧǿƩ ǎƧƤǄ

(1) ǏǛƮǩ ǗǉǦǉǕǅǍ ǉþǦǕǛ!ƒ (14) ǗǍǦǉǍǕǅǍ ƧƱǉǄ ǗƗǿƼƧƶ!ƒ ƨƒƧǍǗǅ ǐƧƬǛ!ƒ ƴǿƧƬǩ!ƒ ǑƼ ƗǿþǦƶ!ƒ þǦǉƮǗƒ ǏǛƮǩ (1) ǈǍǉǦǕǅǍ (14)ǉþǦǕǛ!ƒ ƒ ǍƬǕƤ!ƒ ǆǋǍ

. ǊǩǜǿþƺǩǍ 1968 ƗǉƮ! (25)ǄǋƧ ǐƧƬǛ!ƒ ƘǦǅǗƒ

(2) ǈǉǉ Ư ǑǉþǛ ƧƬǛ ǐ Ǘ1994/4/13 ƗǉƮ (45) Ǘ ƒ 685.

(3) ǗǋǍǅƬ!ƒ ǕƳǅǦƺ ǗƩ ǗǍǦǦ ǍǍǦǍ ǉ ǈǍǦǉǉǕ ǈǉǨ ǋǛǙǍǦǋ ǉ ǏǋǍǕƮ! ǋǛǉǋǦ ǗǿƬǍǦƞǕǿ ǖƒǦǍ ǑƮǦǅǍ ǂǕǦǕ ǗƵǋǦƺ

.162 ƒ

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l ƑǴkŪƐ Ĭʒ hŭĩơƑyǁƐ ơƑďʑ ƨŬƐ hŭĩШΘ :ĬďǂƒǁƐ ƱƥƶǁƐ

ƝkùƠƒ ǇǳĚ" :ǊǈƊ ĬǁƵ Ĭ!ĂŪƒ lƧlƼ!ƒ Ŏ5 ŎǈƥƧŪƒ ƘǴǈŏƕ!ƒ ǇĂǈǴƿ ǇǳĚ (11) lƥǴĚ!ƒ ƘƮǈ ƥl!

ǊùŏƽƔĂƪùǈǳĚĂǋǴĚƚơƒƧƮƧǂǈŏǇǄǊŏǁƵƔƞĂǊƕƻƧkƶŏǇǄƥŏƧŏŬǇǴǂĂĭƥǴƵƥǈƪƕǊŏǁƵ

ƥǴǈƪŪƒ ǇǄ ǉƒƥƋǳĚ ƒƦǋĂ .[1]"ǊŏƼ ǴĚƕ ǊŏǁƵ ƚƞơ Ăǌ5 ŬƽĂ ƴƕƮƒ ƚĚƮƕ ĂǄ ǄǂǴƤ ĂǄ ƴŏpĂk ĂǄ ƱƤ ǇǳĚ

Ŏù5 ƘǴùƕǼű! ƘĚƥp ƒƦƽ ŎǈƥĚ!ƒ ƇǴư l!ƒ ĂǄ ĭƧƒƥŰƒ ƇǴư l!ƒ Ŏ5 ƇƒĂƪ ƚŏƞơ!ƒ ƩƼǈƕ ƴkĚkk ƚŏƥǴƶ!ƒ

ƻƧùkƶŏ ǇǄ ƥŏƧŏ Ŭ ǇǴǂĂ ĭƥǴƵ ƥǈƪƕ ǊŏǁƵ Ɲkơƒ ĭƦ!ƒ ƒ ƤT!ƒ ĬǁƵ ƔƞĂ ƒƦǌ! ŬƚŏƧƒƥƽ ƚƵƨǴǈǳĚ

ƚƞơ Ăǌ5 ŬƽĂ ƴƕƮƽ ƚĚƮƕ ĂǄ ǄǂǴƤ ĂǄ ƴŏpĂk ĂǄ ƱƤ ǇǳĚ ǊŏƽƔĂƪǈǳĚ ĂǋǴĚƚơƒƧƮƧǂǈŏǇǄǊƕ

.[2]ƥǈƪ!ƒ ǁ!Ʀ ǊǈǳĚưk ǴĚƕ ǊŏǁƵ

ƥǈƪù!ƒ ĬùǁƵ ǄǂƤ!ƒ ƚơƮƕ ŎƑǴư l!ƒ ƧƒƧpŰƒ ǇǄ" ƚŏǈƥƧŪƒ ƨŏŏĚk!ƒ ƚĚǂơĚ! ǄǂơŎ5 ƇǴƞĂ

ƘǴùƕǼƽ ǇƵ ǴǋǈƨƞƵĂ ƥǈƪ!ƒ ƒƦǋ ĬǁƵ ƫǁƺĚ ƴŏpĂk ƥĂƞĂĂ lƨŏĚĚ!ƒ ǇƵ ǉƧĂƥƮĂ ƚƕ!ǴƱĚ!ƒ ƳĂưĂĚ

ǇĂǈǴƿ ǇǳĚ (11 Ŭ10) ǇŏkƥǴĚ!ƒ Ŏ5 ƥƧƒĂ!ƒ ĂơǈƒĭǁƵĂ ǊŏƽƧǴTĚ!ƒ ƥǈƪ!ƒ ƚĚŏlƕ ǴǌǳĚƨǁƋ ŎǈǴǅ!ƒ ƴƼƥ!ƒ

ƚĚƮùƕ ĂǄ ǊùĚkƤ ĬǁƵ ĂǄ ǊǈƵ ƧƥƮ ǇǳĚ ƴŏpĂk ĬǁƵ ƴĚTŏ ĭƦ!ƒ ĂǋǴ ĭƥǴƶ!ƒ ƥǈƪ!ƒ ǇǄ ƦƽƘǴǈŏƕ!ƒ

ƻƧùkƶŏ ǇǄ ƥŏƧŏ Ŭ ǇǴǂĂ ĭƥǴƵ ƥǈƪƕ ǊŏǁƵ Ɲkơƒ ǇǳĚ ǇǄĂ ŎĚƪƧ!ƒ ƥǈƪ!ƒ ƚƼƮ Ǌ! ƘƪŏĂ ǊƶƕƮƽ

ƴƕùƮƒ ƚĚƮùƕ ĂǄ ǄkƤ ĂǄ ƴŏpĂk ĂǄ ƱƤ ǇǳĚ ǊŏƽƔĂƪǈǳĚ ĂǋǴĚƚơƒƧƮƧǂǈŏǇǄǊŏǁƵ ƔƞĂ Ǌƕ

ǄǁƪùkĚ!ƒ ƒ ƤTù!ƒ Ěùƪǁƕ ŎǈƥùĚ ƥŏp ƥƞĂŏ Ŭ ǊǈǳƕƧ ƴĂl!ƒ ǇǄĂ ǊŏƼ ƥƧĂ ǴĚƕ ǊŏǁƵ ƚƞơ Ăǌ5 ŬƽĂ

ƚŏơǴǈ ĬǁƵ Ǌ! ƧǼƊ Ŭ ǁ!Ʀ ǇǇ5 ƥǈƪ!ƒ Ŏ5 ƚ5ĂƮĂĚ!ƒ ƚƕǂƧĚ!ƒ ƘǴƕǂƧĚ!ƒ ƥĂŏp Ŏ5 ƥƞĂk ŬĂ ƚƵǴưƕ!ƒ

.[3]"ƻǁĚ!ƒ Ŏ5 ƱĂƼơĚ!ƒ ƥǈƪ!ƒ ƚĚŏlƕ ƨŏĚĚ!ƒ ǄƒƨƽĂ

(1) ƧƱǈƒ ƒ ǈ ǁƥǴĚ!ƒ (11) ǇǳĚ ǇĂǈǴƿ ƘǴǈŏƕ!ƒ ŎǈƥƧŪƒ ǄƤƧ (30) ƚǈƪ! 1952 ǊǈkŭŏƥƶkĂ.

(2) ŬĭĂǴǈƮT ŎǁƵ ŬƧǴƱƤ ŬǋǈǋǳǊ ƴƞƧĚ ƪǴƪ ƅƑƮƨǁƐ ŬăƥƐơŪƐ ŬƨǴƪ ƴƞƧĚ ƒ 639.

(3) ƨŏŏĚk ƨĂlơ ŬƚŏǈƥƧƊ ǄƤƧ (2005/1493) ơŏƧǴk Ŭ2005/9/5 ǇĂƧĂTǈǳĚ ƘƒƧĂT ƨǂƧĚ ƵƥƒƵ!.

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(11) lþĜùdž!ƒ Ŏù5 CĜɳ Ĝdž Ĭ!Ƶ Ƙþǂ D þp ƨŏŏdžƙ!ƒ ǂdžǂơdž LJD ƽħĜɿ!ƒ Džǂơ!ƒ LJdž Ĝǉ! ƧnjƱŏĂ LJD lƧùħƙƶdž lþĜùdž!ƒ ǁ ù!ƙ! Ŏù5Ƨơ!ƒ ƒ ǉ!ƒ Ĝnjdžǂơ LJdž ưƙ Ĝdžþǉ Ƶ ƘĜǉŏħ!ƒ LJĂǉĜp LJdž Ĭ!ĂǕƒ lƧlɜ!ƒ NJùǉdž ƧþƮ LJdž Ĭ!Ƶ ǂɳơ ƧħƙƵƒ ǕϙĂ NJŏ5 Σħ! Ǖ ǾơưƒĂĂ ǾơŏƧƮ LJĂǂŏ LJD Ɣɳŏ þǉɿ! ƧĜǂǉǗƒ .þǉɿ!ƒ

NJùƙǚŏþƶƙĂ 1968 ǂǉɿ! (25) DžpƧ ĭƧƮdž!ƒ ƘĜħʎǗƒ LJĂǉĜp LJdž (3/14) lþĜdž!ƒ ƘƮǉ þpĂ ĂD CĜưùdžǗƒ ĂD ƱP!ƒ ƧĜǂǉϙ NJǉdž ýħlŏ Ǖ NJƵĂưĂdž ƫ pĜǉĂ Ŏ5ƧƵ ƧƧơdžħ NJŏ!Ƶ ƝƙơƒLJdžĂ" Ĝnj!Ălħ .ʺyħƮǗƒ ǂdžƮħ ĂD DžƙP!ƒ

þùƶħ ƨĂɳŏ Ǖ þǉɿ! ƧĜǂǉǗƒ LJD ĭƧƮdž!ƒ ƘĜħʎǗƒ LJĂǉĜp Ŏ5 lþĜdž!ƒ ǁ!ƙ ýǚP LJdž Ʊơǚǉ ǕƧùǂǉdž!ƒ LJdž ýħlŏ Ĭƙơ ǂƮpĜǉdž!ƒ ýħp ƧĜǂǉǗƒ LJĂǂŏ LJD NJŏ!ƵĂ ǂdžǂơdž!ƒ DžĜdžD þǉɿ!ƒ YĂưĂdž ǂƮpĜǉdž LJùdž (2/11) lþĜdž!ƒ ƒ ǉ ƔɿơĂ ĭþĜƶ!ƒ þǉɿ!Ĝħ DžNjþư ǁɿdžƙ LJdž! ƻ!P!ƒ ĂD ǂʎƧĂ!ƒ ƒ ĂƮPħĂ NJǉdž Ĭɜƙǂŏ5 ƻ!P ĭD ĂD ǂƧƒĂ!ƒ ĜdžD" Ĝnjŏ5 CĜɳ Ŏƙ!ƒĂ 1952 ǂǉɿ! (30)DžpƧ ŎǉþƧǕƒ ƘĜǉŏħ!ƒ LJĂǉĜp ĜùǉNj CĜɳĂ "ƽơ!ƒ NJǉƵ Ĭl!ƙ LJdž! ĂNj ǂdžƮħ!ƒ ĂD DžƙP!ƒ ĂD yŏpĂƙ!ƒ ĂD ƱP!ƒ LJD Dž!ƶŏ Ǖ NJǉdžħ ƧƧlŏ LJD LJĂǉĜùl!ƒ Ɣù!Ʊŏ Dž! ǂŏơ ƒ ĂƮP!ƒ ƒƦnjħ NJǉdž (1)(14) lþĜdž!ƒ Ŏ5 ĭƧƮdž!ƒ ƘĜħʎǗƒ LJĂǉĜl! Ǿɜ!ĜPdž ĂD DžƙùP!ƒ ĂD CĜưdžǗƒ ĂD ƱP!ƒ LJD Dž!ƶŏ Ǖ NJǉdžħ LJŏdžŏ!! NJɜ!ơħ Ĭɜƙǂƒ Ă ƧĜǂǉǗƒ ǂƧƒĂ!ƒ LJdž ĭƧƮdž!ƒ .ƽơ!ƒ NJǉƵ Ĭl!ƙ LJdž! ŎNj ǂdžƮħ!ƒ

ǂ5Ĝǂ!ƒ Ĭ!ϙ þƙdžƙ Ĝnjǉǂ!Ă NJ5ƒƧƱD Ĭ!Ƶ ƧƮƙlƙ Ǖ ĭþĜƶ!ƒ þǉɿ!ƒ ǂŏɳơ LJdžħ ýĂl!ƒ LJǂdžŏ5 NJŏ!ƵĂ ƣŏƧĜùƙ NJ! LJĂǂŏĂ ǗƘħĜʎ ƣŏƧĜƙ NJ! LJĂǂŏ LJD Ĭ!Ƶ ŎdžɿƧ!ƒ þǉɿ!ƒ lĂp NJ! LJĂǂŏĂ NJŏ5 Ĝdžħ ƧpD Ĝdž Ĭƙdž ĂD ýþƶ!ƒ ƔƙĜǂ!ƒ NJŏ!Ƶ ƽþĜƮŏ LJD DžĂŏ LJdž (2)ŎǉþƧǕƒ ƘĜǉŏħ!ƒ LJĂǉĜp LJdž (12) lþĜdž!ƒ ƔɿơĂ ƘħĜʎ

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.NJƙǚŏþƶƙĂ 1968 ǂǉɿ! (25) DžpƧ ĭƧƮdž!ƒ ƘĜħʎǗƒ LJĂǉĜp LJdž (14) lþĜdž!ƒ ƧƱǉƒ (1)

.NJƙǚŏþƶƙĂ 1952 ǂǉɿ! (30) DžpƧ ŎǉþƧǕƒ ƘĜǉŏħ!ƒ LJĂǉĜp LJdž (12) lþĜdž!ƒ ƧƱǉD (2)

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[illegible]

[illegible] (14) [illegible] .(1)

[illegible]

[illegible] .(2)

[illegible] "....

[illegible] .(3)"....

(1) [illegible] (14) [illegible] (25) [illegible] 1968 [illegible].

(2) [illegible] 1956/5/3 [illegible] 572 [illegible]
[illegible] 171.

(3) [illegible] (865) [illegible] 32) [illegible] 1989/4/11 [illegible]
[illegible] 117 .

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Ǚǫ Ǵùnjǰ ǗǴɳƙơǘ! ƠǐȚƙ Ǚ Ŏ5Ƨȥ!ƒ ĂĐ ĭþǴȥ!ƒ þǇǉ!ƒ lƧĂȚ LJĐ ƗlhǴǉ!ƒ ĐǴƗơǕƒ LJdž ƧnjǓŏ

ǕŏǃþƠǐȚƙ Ǚ ƧƤƈ Ĭǉȥdžǰ Ǵnjŏ5 Ǵdžǰ ǋƙơŏ ǙĂ ǴǉǇǴɳ Ŏư Ǵl!ƒ ǴnjơƧƱŏǉ ǙǫĂ ýȚǖ! ǴnjƙlhǴƱdž Ƨþlǰ

.ƘǴǰƛǘ!

Ɨùŏơ ŎǇþƧǕƒ ƘǴǇŏǰ!ƒ LJĂǇǴþ LJdž (14) lþǴdž!ƒ ƒ ǉ Ŏ5 ŎǇþƧǕƒ ƳƧƬdž!ƒ ǋǰ ȐƤĐ Ǵdž ƒȐǋĂ

þǇǉ!ƒ ƒȐǋ ƋƱƤ Ƙǰƛŏ LJĐ ǋ! ƨĂɳŏ LJƗ!Ă LJŏþdž!ƒ ĬǐƵ Ɨɳơ LJĂƗŏ ƾǴǉ þǇǉ! þŏƋdž!ƒ þǇǉ!ƒ" Ǵnjŏ5 ǄǴɳ

. "ŎǐȚǕƒ þǇǉ!ƒ ĐŏþlƙǄ

Ŏ5 lƧĂȚ!Ǵǰ ǗǴɳƙơǘ! ýŏǰǉ Ǚ ǋǇĐ Ɨŏơ ǋlƽ!ƒĂ ƳƧǴƬ!ƒ ǋŏ!ƒ ƔǋȐ Ǵdž ǴǇǋ ƗơǴǰ!ƒ þŏƋŏĂ

ǉȐùǋ Ŏù5 ƘƧùǰƙƵƒ ǉƧþȚùdž LJdž ǴȥpĂdž LJǴƗ ƒȐ lƧĂȚ!ƒ þǇǉ!ƒ LJƗ!Ă ŎǐȚǕƒ þǇǉ!ƒ þĂɳĂ ýǓ

ýǴùơ Ŏù5 LJƗ!Ă ƘǴǰƛǕƒ Ŏ5 ýȚǕƒ Ɨdžŏp Σƽǉ Ǵnj! Ŏ!Ǵƙ!ǴǰĂ ŎǐȚǕƒ þǇǉ!ƒ LJdž ƗŏǇǴƛ ƗƤǉǉ Ɨ!Ǵơ!ƒ

Ǵùdž ΣùƗƵ Ƙǰƛŏ Ǆ! ǅƒþ Ǵdž ƘǴǰƛǫ ýŏ!þ LJĂƗƙ ǴǋƧþȚdž LJdž ƗȥpĂdž!ƒ lƧĂȚ!Ǵ5 ýȚǕƒ þĂɳĂ ǅþƵ

.[1]Ǵnjŏ5 ǄǴɳ

(1) ƒ!ưǴǕǓƐǕƠǐƽdž ǕƒǴƘƒ lǮ Ĭ ǝǘƝǋƐǐǝ ǝǘƝŏǹ ǇǘƝǇƐǋ ǝǖǕǉȥ ýɳƧdž ǋǴǉ ƾǴǉ ǙƒƇ.88 ƒ

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Ǐ ǆǂƙǁƐ ƘƟƓǇǁƐ

ǎ þƐǭǕƐ ǀ ƑǤƙǕƐ Ǐ ȝ ƑǋƗĭǛƟǋ ƕǐþƐǭǕƐ Ƽ Ɛ þǋǓƐ

ǀƨǍơ Ǒ5 Ƚ ƕǤƙǂ" ǇƵ ǀƧǤƕƵ ǤǌǇǰƕ ƚǒƧƒþǗƒ ƚƿƧǍ!ƒ ǐƧƒþǗƒ ǇǍǇǤǀ!ƒ ǄǤǌǀ5 Ư ƶƕ ƻ ǲ ƵƵ þǀ!

ƚùǒƧƒþǫ ƚùƶƿƒǍ ǏǀƵ ý þƙǍ ǐƧƒþǗƒ ǇǍǇǤǀ!ƒ Ǒ5 ǀƧƕƙƶǆ!ƒ ƾƧƱ!ǤƕƘǤƕƛű! ýƕǤƿ ǭǒƧǤƙ ƘƒƦ ǀƧƒþǗƒ

.[1]"ƚǇǒƶǆ

Ǒ!Ǥùƙ!Ǥƕ5 .[2]"ƚǇǒƶǆ ƚǒƧƒþǫ yƑǤƿǍ Ǉǆ ư ƙǒ ǀƧƒþǗƒ ǀƨǍơ Ǒ5 ƧƧơǆ" ǤǌǇǰƕ ǇǍƧƤƈ Ǥǌ5ƵƵǍ

ǤǌǆþƤƙƪ ùƙǍ ƚùǒƧƒþǗƒ ƚǒǀǆƶǀ! ǤǌƙƧƒþǫ Ǒ5 ǤǌǒǀƵ þǆƙƶƙ ǀƧƒþǗƒ ǀƨǤǒơ Ǒ5 ǀþǍƞǍǆ ƚǒƕǤƙǂ ƚ!þƉ Ǒǌ

ǍƉ ƚùǒƵþǆ ǀƧƒþǗƒ ƘùǇǤǂ ǄƒǍƪ ƚǒƧƒþǗƒ ǅǂǤơǆ!ƒ ǅǤǆƉ ƘǤƕƛǫ ƚǀǒƪǍǂ ƠǀƬƙǍ Ǥǌǒ!ǫ ƘƞǤƙơƒ Ǐ ƙǆ

Ɣ ùƙǂ!ƒǍ Ƨ ư Ǥơǆ!ƒǍ ƚǒƧƒþǗƒ ƘƒƧƒƧǀ!ƒ ǤǌǇǇǆ5 ƚ5ǀƙƤǆ ǕǤǂƬƉ ƦƤƙǍ ƾƒƧǍǕƒ YǍǇƙƙǍ ǕǤǌǒǀƵ Ǐ Ƶþǆ

ƾƒƧǍǕƒ ǇùǆǤǋƧǒƺǍ ƘǕƞƪ!ƒǍ ƘǤ5ǀǆ!ƒǍ ƘƒþǤǌƬ!ƒǍ ƾǒǀơƙ!ƒ ƾƒƧǍƉǍ ƘƒƧǂƦǆ!ƒǍ ƘǕƪƒƧǆ!ƒǍ

ƚùǒƞơ ƘƒƦǍ ƚơǒơùƬ ƾƒƧǍǕƒ ǇƦǋ ǇǍǂƙǍ ǕǎƧƤǕƒ ƾƒƧǍǕƒ Ǉǆ ǤǋƧǒƺ ǇƵ Ǥǋƨǒǆǒ Ǥǆ ƒƦǋǍ

.Ǥǌǒ5 ǄǤƞ Ǥǆ Ʃǂ Ƶ ƘƕƛǒǏƙơ ǍƉ ƧǒǍƨƙ!Ǥƕ Ǖǫ Ǥǌǒ5 ǇƶƱǒ ǕǍ Ƨǒȝ!ƒǍ ǤǌǆǓǇǆ ǍƉ ǤǋƧþƬǆ ǇǤƞƙƒ

:Ɣ!ǤƱǆ ƚƛǖƛ Ǐ!ǫ ƚ ơƕǆ!ƒ ƒƦǋ ǅƪǀǇƪ ǋǒǀƵǍ

.ƑǋƗƐƦĭǇǇǋ ƕǐþƐǭǕƐ Ƽ Ɛ þǋǓƐ ƱƐǋǆǄ :üǋǓƐ ƒ ǂǗǇǁƐ

. ǀ ƑǤƙǕƐ Ǐ ȝ ƕǐþƐǭǕƐ Ƽ Ɛ þǋǓƐ ƕǐǛƟ : Ǐ ǆǂƙǁƐ ƒ ǂǗǇǁƐ

.ǗǋǗǇǁƐ Ƽ ĭƾƟƚǋ ƀƑƺǁǕƐ ǌǋYǭ Ǐ ȝ ƕǐǤƑƚǀǁƐ ƕǁǭǕƐ Ǐ ȝ þǐǋƦƚǁƑǤ ǗȝǭǁƐ :ƘǁƑƙǁƐ ƒ ǂǗǇǁƐ

(1) ǍǒƼƱƪǆ ǕǑƼƪǍ Ǐ ƽƱƪǆ ǕýǤǆǂ ǕǋƪǄ ǀ Ɛ ǀƐþǛ ƀƑƪǀƐ ǕǎþƐǭǕƐ ǕƒƧǆ yƞǤƙǍ Ǖ ƾƕǤǀ ƒ 447.

(2) ǍǏƪǍǆ þǆơƒ ǕýǤǆǂ ƒǋǀƙǕ ƕǐþưǆ ǀ ƑǤƙǕƐ Ǐ ȝ ǆǋǆƑǀƐ ǕǎþƐǭǕƐ ǕƒƧǆ yƞǤƙǍ Ǖ ƾƕǤǀ ƒ 225.

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[illegible]

[illegible]

[illegible]

[illegible]

. 1 [illegible] . 2 [illegible] . 3 [illegible]

1. [illegible] .(1)

2. [illegible] .(2)

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(1) [illegible] 114.

(2) [illegible] 640.

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3. [illegible]

[illegible] .[1]

[illegible] .[2]

[illegible]

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(1) [illegible] .109 [illegible] .43 [illegible]

(2) [illegible] 1970/6 [illegible] 24 [illegible] .349 [illegible] .89 [illegible]

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[illegible]

(1) [illegible] (1954) [illegible] 37 [illegible] 1993/5/22.

[illegible] 1177 [illegible]

[illegible] 91.

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[illegible] .[1]" [illegible]

[illegible]

[illegible]

[illegible] .[2]" [illegible]

[illegible] (51 [illegible]) [illegible]

[illegible]

(1) [illegible] 1956 [illegible] 150 [illegible] 8 [illegible] .223 [illegible] .93 [illegible]

(2) [illegible] (96/57) [illegible] .1996/7/6 [illegible] .44 [illegible]

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[illegible] [1]

[illegible]

[illegible] [2]

[illegible] [3]

(1) [illegible] (96/69) [illegible] 1996/6/12.

(2) [illegible] (94/271) [illegible] (8 [illegible] 7) 1996 [illegible] 1594.

(3) [illegible] (2004/248) [illegible] 2004/9/9.

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[illegible] ....." [illegible] .(1)"

[illegible] ...." [illegible] .(2)"....

[illegible] (1) (97/486) [illegible] 1998 [illegible] 3269.

[illegible] (97/472) [illegible] (1 2) [illegible] 1999 [illegible] 71.

[illegible] (94/353) [illegible] (4 5) [illegible] 1996 [illegible] 669.

(2) [illegible] (2011/129) [illegible] 2011/12/29 [illegible]:

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.1

.2

.3

.4

(1) .110–107

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[illegible]

[illegible] .(1)

[illegible] 1968 [illegible] (25) [illegible]

[illegible] .(2)

[illegible]

[illegible] .(3)

(1) [illegible] .227 [illegible]

[illegible] .112 [illegible]

(2) [illegible] .1113 [illegible]

[illegible] 1970/6/16 [illegible] 24 [illegible] . 349 [illegible]

(3) [illegible] .49 [illegible]

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[illegible]

[illegible] ...[1]"[illegible]

[illegible]

[illegible] .[2][illegible]

[illegible] (9) [illegible] 1952 [illegible] (30)[illegible]

.[3][illegible]

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(1) [illegible] (93/2) [illegible] 1993/7/14 [illegible] 1993 [illegible] 1866.

(2) [illegible] 62.

[illegible] 1961 [illegible] 350.

(3) [illegible] (9) [illegible] (30)[illegible] 1952.

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hŭϸɛǫŪɛ ϸȚƑƟƊǁɛ hŭШƟ : Ĭǆƒƙǁɛ Ʊϸƨǁɛ

ǈĂǆĜùƶ!ƒ ǈĂù5ƱĂǆ!ƒ ĜǋƧƧơő Ŏƙ!ƒ ƗőƧƒϸŰƒ ƭƒƧĂŪƒ ýőhp ǈǆ ƗőƧƒϸŰƒ Ƨ ư Ĝơǆ!ƒ Ƨhƙƶƙ

.ĜǌƙƒȐ ϸơh yƑĜpĂ ƘĜhλŰ ǈĂ Țƙ Ƥǆ!ƒ

Ǌƙ Ʊ Ʈ ƒĂh ǈǂǆƙő Ŏ hĜƙǂ ýǆƵ Ƨ ư ơǆ!ƒ" :Ǌ!Ăǀh (Pactet Ǌőƙǂ Ĝh) Ő ƮǉƧ5!ƒ Ǌől5!ƒ ĜǌƼƵ ϸpĂ

Ǌùől5!ƒ ĜùǌƼƵĂ ."ƗőǉĂǉĜǀ!ƒ ƧĜλŰƒ Ư ƶh ĜǌőǀƵ Ɣƙ Ƨƙƙ ƗőƶpƒĂ Ɨ!Ĝơ ƘĜhλǫ ǈǆ ƒ ƙƤǆ!ƒ ƒ ƤT!ƒ

ƒ ƙùƤǆ!ƒ ƒ ƤTù!ƒ Ĝǌő5 Ƙhλő Ŏƙ!ƒ ƗhĂƙǂǆ!ƒ ƘƒƧƧơǆ!ƒ" Ĝǌǉǆh (Mourange Ǌǉ ƒƧĂǆ) Ő ƮǉƧ5!ƒ

.[1]"ƗőǉĂǉĜp ẛƧĜλc Ɣƙ Ƨƙ ǈǅ ǈǂǆő Ɨǉőƶǆ yƑĜpĂ ĜǋƧőƧơƙh

Ɨùő ƧƱǉ) Ǌƙ!Ĝù Ʈ Ƨ Őù5 ƗőƧƒϸŰƒ Ƨ ư Ĝơǆ!ƒ ƻƼƶ5 Ĭ ƮĂǆ ǈőϸ!ƒ ýĜǆǂ ϸǆơƒ ƧĂƙǂϸ!ƒ Ĝǆǅ

yƑĜùpĂ ƘĜhλŰ ǈĂ Țƙ Ƥǆ!ƒ ǈĂ5ƱĂǆ!ƒ ĜǋƧƧơő Ŏƙ!ƒ Ƨ ư Ĝơǆ!ƒ" Ĝǌǉǆh (ĭ ƧƒϸŰƒ ǈĂǉĜǀ!ƒ Ő5 ƘĜhλŰƒ

."Ɨǉőƶǆ

Ĝùǆ" Ĝùǌǉǆh ƗőƧƒϸŰƒ Ƨ ư Ĝơǆ!ƒ ƒĂ5ƧƵĂ ŎǉϸƧŪƒ ĭ ƧƒϸŰƒ ǈĂǉĜǀ!ƒ Ő5 ĈĜǌl5!ƒ Ư ƶh ĈĜηĂ

.[2]"ǅǌ Ț Ĝ Ț ƙƤƒ lƧƑƒϸ ǈǆ ư ýƤϸƙ Ŏƙ!ƒ yƑĜpĂ!ƒ Ư ƶh ƘĜhλŰ ǈĂǆĜƶ!ƒ ǈĂ5ƱĂǆ!ƒ ĜǋƧőƧơƙh ǅĂlő

ǈǅ Ĭ ùǀƵ yùǆηƒ Ĝùǌƶőǆ ηĂ ƗǌhĜTùƙǆ ƗőƧƒϸŰƒ Ƨ ư Ĝơǆǀ! ƗlhĜ Ʈ!ƒ ƘĜ5őƧƶƙ!ƒ ǈǅ Ʊơǖǉ

Ĝùǌƙǀλǆǅ ǈùǆĂ ÜƗùőǉĂǉĜp Ɨǉőƶǆ yƑĜpĂ ƘĜhλŰ ƒ ƙƤǆ!ƒ ƻƱĂǆ!ƒ ǉƧƧơő Ĝǆ Ăǋ ĭ ƧƒϸŰƒ Ƨ ư ơǆ!ƒ

ƭùől ơƙ!ƒ ǈĜùη! Ƨù ư Ĝơǆ Ă ƘƒϸőƒƨǆƒĂ ƘĜȚpĜǉǆ!ƒ ƘĜƮǀη Ƨ ư ĜơǆĂ ǅǂĜơǆ!ƒ ƘĜƮǀη Ƨ ư Ĝơǆ

ƗƱƧTù!ƒ Ƨù ư ĜơǆĂ ĈƒƧƨĂ!ƒ Ʃ ǀηǆĂ ƗƶǆĜη!ƒĂ ĈƒϸǆƵ!ƒ Ʃ!Ĝηǆ ƘĜƵĜǆƙηƒ Ƨ ư ĜơǆĂ ƔőϸǆƙƒĂ

ĭ ƧƒϸŰƒ ĈĜ ư l!ƒ ǅĜǆǅ Ƨ ư Ĝơǆ!ƒ ǁ ǀƙ Ɨőηơ ƻ ǀƙƤƙĂ .Ĝ ƮǉƧ5 Ő5 ăƧhǂ!ƒ ƭƧƱ!ƒ ƘĜ5!ĜƤǆ Ƨ ư ĜơǆĂ

:ǅƶƳǋǆ Ăǁǉ Ƨ ƒ ƨ Űɛ ɛƤǉ Ăǂƴ ϸȚƑƟƊǁɛ ! ƨ ƭ Ɨ ƒȐǌ! Ĝǌő5 ƗǉĂϸǆ!ƒ ƘĜǉĜh!ƒ Ɣ Ʈ ơh

.220 ƒ Üƭ hĜ Ʈ yηƧǆ Üă ϸɛǫŪɛ ǅǋǆǆƑƨǁɛ Ĭ ʓ l ƑĜƙŪɛ hŭϸưǆ ÜǈǅőϸƒƸ ýĜǆǂ ϸǆơǅ Ü Ĭ ƮĂǆ (1)

.639 ƒ Üă ϸɛǫŪɛ ƀƑȚƭǁɛ hŭƳǋ ƨ ǋƥǆ ÜƧĜƱƤ ŐǀƵ Ü ĭ ĂĜǉƱT!ƒ (2)

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[illegible]

[illegible] .[1] [illegible]

[illegible] .[2] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

(1) [illegible] .221 [illegible] 120 [illegible].

(2) [illegible] (1979/24) [illegible] 1979/5/31 [illegible] 1979 [illegible] .1340 [illegible] 639 [illegible] .640

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[illegible] (1) [illegible]

[illegible] (2) [illegible]

[illegible] (3) [illegible]

[illegible]

[illegible] (4) [illegible]

[illegible] (5)

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(1) [illegible] ص 224.

(2) [illegible] 1954/6/20، [illegible] 1557. [illegible] ص 224.

(3) [illegible] 1947/5/7، [illegible] 573. [illegible] ص 224. [illegible] ص 125.

(4) [illegible] 98/433، [illegible] 6، [illegible] 47، ص 1706.

(5) [illegible] ص 640.

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ƘǁƑƙǁƐ ƒǂƯƊǁƐ

ƯǋƯƢǁƐ ƼĭƭƟǂǋ ƋƑƸǁǛƐ ǌǋǋƳƣ Ǐƺ ƿĭƓƑǂǀǁƐ ƿǁƣǓƑƓ ƥĭǋƦǁƑƓ ƯƺƣǁƐ

ǁ ùǁƙ ǇĂù ǂƙ ƥùƿĂ ăĂƵƥ!ƒ ƻǁǆ! ƓǋƓǆ ư ŏ Ƙƒƥǈƙ ƪ ǆĂ ƫƑƓƛĂƿ ƇƓƺ!Ǘƒ ăĂƵƥ ŎƼƧƱ ǅƥǀƙŏ

ƧŏĂƨƙ!Ɠƿ ƴƼƥ!ƒ ƫŏƧƱƿ ƓǆǪ ƓǌƙƠ Ʈ ǇǆƿƥǂƙƒƳĂưĂǆ ǇƓŏƠƒ ƧĂƛŏĂ ǙǂŏƥƓƵ ĂƊ ǂŏǆƪƧ Ɠǆǫ ƫƑƓƛĂ!ƒ

ƒƦùǋ Ŏù5 ƴĂƓǈƙǈƪ ǋŏǁƵĂ .ǂŏƥƓƶ!ƒ Ƙƒƥǈƙƪǆǁ! ǇǅƬ!ƒ ƔƠƓƮ ƧƓǂǈǪ ĂƊ ǂŏǆƪƧ!ƒ Ƙƒƥǈƙƪǆǁ! ǂƿƪǈ!Ɠƿ

ǂƠù Ʈ Ĭ!ǫ ƴĂƮĂ!ƒ ƻƥǌƿ ƱĂƱƤ!ƒ ƫŏǀƠƙ ŎǈƓƛ!ƒĂ ƧŏĂƨƙ!Ɠƿ ƴƼƥ!ƒ ƴĂǗƒ ǇŏƵƧ5 Ǉǆ ư ƔǁƱǆ!ƒ

.ǋǆƥƵ Ǉǆ Ƙƒƥǈƙƪǆ!ƒ ǁ ǁƙ

ƥĭǋƦǁƑƓ ƯƺƣǁƐ :üǋǛƐ ƱƥƻǁƐ

ǋǆƒƥƤƙùƪƒ ǇǂǆŏăĂƵƥ!ƒ ŎƼƧƱ! ƫƠ ĂǋĂ ǂŏƵĂưĂǆ!ƒ ƳĂƼƥ!ƒ Ǉǆ ƧŏĂƨƙ!Ɠƿ ƴƼƥ!ƒ Ƨƿƙƶŏ

ǇĂùǂŏ ƥùƿĂ ǂŏǁƮǗƒ ăĂƵƥ!ƒ Ŏ5 ƴƤƥŏ ǇŏƵƧ5 ǇƶƼƥ ǇĂǂŏ ƥǀ5 ăĂƵƥ!ƒ ƴƠƒƧǆ Ǉǆ ǂǁƠƧǆ ĭƊ Ŏ5

ƻ ùǁǆ ƓǋǈǆưùƙŏŎƙ!ƒ Ƙƒƥǈƙƪǆ!ƒĂ ƫƒƧĂǗƒ ǂƠƮ Ǉǆ ƥǂƙ!ƒ ƻƥǌƿ ǁ!ƦĂ ǋƙƒƦ ƥƠƿ ǂŏǁƮƊ ăĂƵƥ

.(1)ƇƓƺ!Ǘƒ ăĂƵƥ

(R155) ǀƥƓǆ!ƒ Ƙǈǆư ƙ ǂŏƠ ƧŏĂƨƙ!Ɠƿ ƴƼƥ!ƒ ǂ!ƪǆ ǂŏƪǈƧƼ!ƒ ǇŏǈƒĂǀ!ƒ ƘǆƯǈ :ƑƨǆƥƷ Ǐƺ

ƒ ĂƮùǈ! Ŏùǁǆƶ!ƒ ƫŏƿƱƙ!ƒ ƴǗƤ ǇǆĂ Ǚ(2)ǇǅƬ!ƒ ƒƦǌƿ ǂƮƓƤ ǆǆƓǂƠƊ ǂŏƧƒƥǗƒ ǆǂƓƠǆ!ƒ ǇŏǈǀƙǇǆ

:ǇŏƙƓƠ Ǉŏƿ ƨŏŏǆƙ!ƒ ǇǂǆŏƧŏĂƨƙ!Ɠƿ ǇƶƱ!ƒ

.199 ƒ ǙƫƿƓƪ ƴƞƧǆ ǙăƥƐƣǛƐ ǅǋǆƑƨǁƐ Ǐƺ ǀƑƓƙǛƐ ƿĭƥưǆ ǙǇŏƥ!ƒ ƴƓǆǂ ƥǆƠƊ ǙĬƪĂǆ (1)

ǙǇŏƥù!ƒ ƴƓùǆǂ ƥùǆƠƊ ǙĬƪĂǆ .641 ƒ ǙƫƿƓƪ ƴƞƧǆ ǙăƥƐƣǛƐ ƋƑƮƫǁƐ ƿƳǋƨǋǅ ǙƧƓƱƤ ŎǁƵ Ǚĭ ĂƓǈƱƬ (2)

!ƣøƳ ǀƑøƓǛ ƿĭƯƢǁƐ ǀƑǙƓǁƐ ǙƩƿƓƠ ǙƔŏƿƬ!ƒ .200 ƒ ǙƫƿƓƪ ƴƞƧǆ ǙăƥƐƣǛƐ ǅǋǆƑƨǁƐ Ǐƺ ǀƑƓƙǛƐ ƿĭƥưǆ

ǀƑøƓǛƐ ǫƣƑƓǅ ƥĭǋƯǂǁ ǊƥǂƭǅǂǋǅǆƓǆǆǆǙƴƓǆǆ ǙŎƬŏƧƿ!ƒ .186 ƒ ǙƫƿƓƪ ƴƞƧǆ ǙăƥƐƣǛƐ ƥƐƥƭǁƐ ƿĭƳǋƥƪǅ

.ƓǋƥƶƿƓǆĂ 228 ƒ ǙƫƿƓƪ ƴƞƧǆ ǙƑĭǂƴǁƐ üƣƴǁƐ ƿǅǀƟǅ ǀƑƬƑƬǂƢǋ ƊƮ Ǐƺ ƥĭǋƦǁƑƓ ƿƭǂƴƊǅǁƐ ƱǋƺƣǁƐǋ

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[illegible] .[1] [illegible]

[illegible] .[2] [illegible]

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(1) [illegible] 216 [illegible] 643 [illegible] 207-200 [illegible] 1974 [illegible] 390-392.

(2) [illegible] 208 [illegible] 1961 [illegible] 104.

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ǇƶƱ!ƒ ƧƱǇǜ ǤnjƬǴƬƘƤƒ Ǐ⃞Ƶ ƗőƒþƜ!ƒ ƦǇdž ƗőƧƬdž!ƒ ĭƧƒþǛƒ ČǤưl!ƒ ƗdžƗơdž ƘƧlƘƪƒ þpĂ

.[1]ƗőǇþdž!ƒ ƘǤƶ5ƒƧdž!Ǥ ƗƬǴƤ!ƒ þƵƒĂlǃ! ǯþǤǇƘƪƒ ƾƑǤƛĂĂ ƾƒƧĂǅ ǇƶŎ ǤnjőǇƵ ƯƧƶő ǤdžŏƼ ƧőĂƨƘ!Ǥ

ƾùőlơƘ Ǐ!Ăùƙő ĭƧƒþǛƒ Ŏùư Ǥl!ƒ ǇǅǏ þù ƗƋƘ! ƗőƧƬdž!ƒ ǤŏǇƶ!ƒ ƗőƧƒþǛƒ Ɨdžƚơdž!ƒ ƘČǤŋĂ

.[2]ƘǤƶ5ƒƧdž!ƒ ǇǅĂǇǤp Ŏ5 ǤnjőǇƵ ƒ ĂƬǇdž!ƒ ƳǤưĂǗƒĂ ƘƒČƒƧŋǛǤ ǋdžǤdžǅ ƧőĂƨƘ!Ǥ ČǤƵþǛƒ

ŎƪùǇƧ5!ƒ ĭƧƒþǛƒ ČǤưù!ƒ ƻpĂdž ǇƵ ƻƘƤő ĭƧƬdž!ƒ ĭƧƒþǛƒ ČǤưl!ƒ ƻpĂdž5 ǋőǇƵĂ

ýùƶŋő ǤdžŏdžǅǛǋdžǤdžǅ ƗdžþIdž!ƒ ƘƒþǇƘƪdž!ƒĂ ƾƒƧĂǗƒ Ŏ5 ƧőĂƨƘ!Ǥ ǇƶƱ!ƒ Ŏ5 ƧƱǇ!ƒ Ɨ!ƋƪdžƒĂƬƤǜ

ƗƵƧùƪĂ ƗőƧƒþǛƒ ăĂƵþ!ƒ ƗƶőǜƱ ƴdž ǋƽpĂdž ƾ5ƙő Ɨőơ ýư5ǅ ýǤơ Ŏ5 ĭƧƬdž!ƒ ĭƧƒþǛƒ ČǤưl!ƒ

.[3]ƧőĂƨƘ!Ǥ ČǤƵþǓƒ ƾőlơƘ! ƗǇĂƧdž ĭƧƒþǛƒ Ŏư Ǥl!ƒ ƠǇdžőĂ ǤnjŏƼ ýƬ5!ƒ

Ǐù⃞Ƶ ǋùƙǘőþƶƙĂ 1992 ƗǇƪ! (12)ǅǇpƧ ǤŏǇƶ!ƒ ýþƶ!ƒ ƗdžƗơdž ǇǅĂǇǤp ƒ Ǉő ǅ! :ǅǒþǛƐ Ǐƺ

ƘČǤùŋ Ɨùőơ ăĂƵþ!ƒ ƻǇdžǜ lþĂŋĂdž!ƒ ƘƒþǇƘƪdž!ƒĂ ƾƑǤƛĂ!Ǥ ƧőĂƨƘ!Ǥ ƴ5þ!ƒ ƧƱǇ Ŏ5 ǤnjƬǴƬƘƤƒ

Ŏù5 lƧlƘƪùdž ƧőƺƗdžƗơdž!ƒ ýƶŋ Ǥdž ƒƦǋĂ ǛǋǇdž (9) lþǤdž!ƒ Ŏ5 ƧƬơ!ƒ ýőǜƪ Ǐ⃞Ƶ ǤnjƘǴƬǴƬƘƤƒ

ǮǇǤőơǅĂ ƧőĂƨƘ!ƒ Ŏ5 ƾlơƘĂ ƳĂưĂdžǅ! ăþƬƙƙ ǮǇǤőơƋ5 ƧőĂƨƘ!Ǥ ǇƶƱ!ƒ Ɨ!ƋƪdžƒĂƬƤǜ ǤnjƘƒƧƒƧp

ǅǤùdžǅ Ǥùnjǅƶŋő ƒƦùǋĂ ǛƾƑǤƛĂ!ƒ ǁǅƙ ƗơƬ ǇǅdžþƗƋƙ! þƒƧ5ǛƒĂǅ lƧƒþǛƒ Ɨnjŋ! ƧdžǛƒ ǁƧƙƙ ăƧƤǅ

:ǤdžǋǇƙ!Ǥơ

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(1) ǅǇƗơ ƗdžƗơdž ĭƧƒþǛƒ ČǤưl!ƒ Ŏ5 1948/6/22 Ǜ2Σ ƒ 826. ƦǇƗƧǇ ǅƪĂdž ǛǏ ǅǇơǅ þdžǇǤ ýǤdžƗ þù!ƒ ǛǇőþù ǅưþƗøǅ
ǛƐǗƙǤƑǇ ƺǏ ǅǅƑƪǇǋǅ ǛƐǗþăǛ ƒ 209.

(2) ǤþƒƧő Ɨ ǤŏǇƶ ǤdžƬƧő Ŏ5 1963/11/23 Ǜ9Σ ƒ 86. ƦǇƗƧǇ ǅƪĂdž ǛǏ ǅǇơǅ þdžǇǤ ýǤdžƗ ǛǇőþ!ƒ ǛǇőþưǅ ǤƐǗƙǤƑǇ ƺøǏ
ǅǅƑƪǇǋǅ ǛƐǗþăǛ ƒ 209 Ă210.

(3) !ƒǜǇőT ǛƔ ǤǋơǛΣ ǛǅǇƗǤƑǅ ǅƑƪǇƯǤǅ ǅƑƘǗǛ ǅ ǅǇƔǋ! ǅǇǤþǤǋƔǇǅ ǛǅƑǖǛ ǅƗǅƑǛ ƺǏ ǅǤƳǇǛƐǗǛ ǛǅǤƧŋǤ ǤùƪǤǅƾǛ
ƒ 198. !ƒǅǤǇƱ!ƒ ǛǅǤƘ!ǤP ǛƐǤǅǇ ǅƐƗǛƑƪǇ ƺǏ ǅǇǅǇǛ ǛǤǤƑǅ ǅǤƧŋǤ ǛƪǤǅƾǛ ƒ 118. ƦǇƗƧǇ ǅƪĂdž ǛǏ ǅǇơǅ þùdžǇǤ ýǤùdž
!ƒǇőþù ǅưþƗøǅ ǛƐǗƙǤƑǇ ƺǏ ǅǅƑƪǇǋǅ ǛƐǗþăǛ ǅǤƧŋǤ ǛƪǤǅƾǛ ƒ 212.

[illegible]

(99) [illegible]

(1) [illegible] (1994/176) [illegible] 1995/5/27 .

(2) [illegible] (96/388) [illegible] 1997/5/20 [illegible] 1997 [illegible] 4413.

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[illegible] 1988 [illegible] (24) [illegible]

[illegible] ...." [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

.[1] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 1998/9/21 [illegible]

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(1) [illegible] (1996/91) [illegible] 1996/5/ 26 .

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[illegible]

[illegible]

[illegible].[1]

[illegible]

[illegible]

[illegible] (9) [illegible]

[illegible].

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible].

[illegible]

[illegible].[2]

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(1) [illegible] (1999/21) [illegible] 1999 [illegible] 1714.

(2) [illegible] 121 [illegible]
[illegible] 205.

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[illegible]

[illegible]

[illegible] 1889/7/22 [illegible] (37) [illegible]

[illegible]

[illegible] .(1)[illegible]

[illegible]

(1) [illegible] .214 ،213 ،212 [illegible] .646 [illegible]
[illegible] .224–222 [illegible]

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[illegible]

[illegible] .(1)

(30) [illegible] 1968 [illegible] (25) [illegible]

[illegible] .(2) "....[illegible]

[illegible] 1992 [illegible] (12) [illegible]

[illegible] (3)(98‏/87) [illegible]

[illegible] 1994/5/18 [illegible]

[illegible]

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(1) [illegible] .646 [illegible] .214، 213 [illegible]

(2) [illegible] 1965/1/23 [illegible] 10 [illegible] .439 [illegible] . 214 [illegible]

(3) [illegible] (98-87) [illegible] (24) [illegible] .1988

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[illegible][1]

[illegible][2]

[illegible]

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(1) [illegible] (94/111) [illegible] 1994/5/18 [illegible] 1995 [illegible] 3159.

(2) [illegible] 647.

ǏǆǇǨǁƐ üƬƧǁƐ

ǄǯƏƐƥøøƾǁƐ

ǈƧp ýƠlŏ5 Ǌŏ5 ýƠǆżǨƪf ƨŏƩ ǈǆ ƇǑƬ!f ǏǁƵ ýƥŏ Ơǆ ƗǉŏƧp yǆƞ ǑǋǍ Ƭƺ! ǈƑfƧl!f ƻǛżǨ

ƔơƠƮ ùǆ!fǍ ǈƧƠlǆ!f ǈŏƧl!fǍ ǊƕơƠƮǍ Ǌƕ ýƮǨf ǉƧŏƺƕ ƇǑƬ!f ǈƧǨpfǍ ÜǊƕ ǊǁƮǍ ƇǑƬ!Ɠ ƇǑƬ!f

.[1]ƠnjƞǍƨ ǈƧƠlǨ ƠnjǉǕ ƗƞǍƨ!fǍ Ʃ5ǉ!f ƗǉŏƧl!fǍ ÜɯǍƨ!fǍ

ǑǉƥùǆǇ!f ǈǍǉƠùl!f ǈùǆ (1349) ƚƥƠǆ!f Ǒ5 ǑƪǉƧ5!f YƧTǆ!f Ơnj5ƦƵ ƥl5 ǞǉǍǉƠp ƗǉŏƧl!f ƠǆǄ

ƗùżpfǍ Ɨù5Ƨżǆ! ƗùǆǍǁżǆ ƗùżpfǍ ǈǆ ƚƠư l!f ǍǄ ǈǍǉƠl!f Ơnj ƮǁƤǨƪŏ ǑǨ!f ǋƑƠǨǉ!f ƠnjǉǆƕǑƪǉƧ5!f

.[2]Ɨ!ǍnjƞǆǇ

ǈǍǉƠùp ǈùǆ (99) ƚƥƠùǆ!f Ǒ5 f ǉ!Ɠ Ǐ5Ǩǂ fǍ ǈƑfƧl!f ƻǛżŏ ǄǁƵ ĭƧƮǆ!f YƧTǆ!f ƠǆǄ

ǊǨơǁƮùǆ! ƘƧƧùlǨ ǈǆ Ǒǉƺ Ǩ ƗŏǉǍǉƠl!f ƗǉŏƧl!f" ǈǄ ǏǁƵ 1972 Ɨǉƪ! (25) ǄpƧ ĭƧƮǆ!f ƘƓƛǗf

ǄùǕ! Ơǆ Ǒƪǂż!f ýŏ!ƥ!Ɠ ƗǉŏƧl!f ǉǨǋ Ư lǉ ƨǍƞŏ ǊǉǄ ǏǁƵ ÜƘƓƛǗf ƾƧƱ ǈǆ ăƧƤǄ ƗlŏƧƱ ƗŏǄ ǈƵ

ƱƓǉǨùƪf Ǒù ưƠl!f ƨŏƥlǨ! ǁƧǨŏ" ǈǄ ǏǁƵ (100) ƚƥƠǆ!f f ǉ Ǻưŏ ǄǍ "ǁ!ǋ ƨŏƺƕ Ǒư lŏ f ǉ ƥƞǍŏ

Ơùnjŏ5 ƨǍùƞŏ ǑǨ!f ýfǍơǗf Ǒ5 Ǖƣ ǈƑfƧl!f ǉǋnjƕ ƘƓƛǗf ƨǍƞŏ ǕǍ ÜǈǍǉƠl!f ƠǋƧƧlŏ Ǆ! ƗǉŏƧp ýǂ

.[3]"ƥǍnjT!f ƚƥƠnjTƕ ƘƓƛǗf

ƠnjŏǁƵ f ǉ!Ɠ Ǐ5Ǩǂ fǍ Ǻ5ŏƧżǨ Ơnj! ƴưŏ ǄǁƵ5 ǈƑfƧl!f ƻŏƧżǨ ǑǉƥƧǕf YƧTǆ!f ý5ƩǄ ƥpǍ fǋǌ

f ǉùǨ Ɨ ùŏơ 1952 Ɨǉƪù! (30) ǄpƧ ƘƠǉŏƕ!f ǈǍǉƠpǍ 1976 Ɨǉƪ! (43)ǄpƧ Ǒǉƥǆ!f ǈǍǉƠl!f Ǒ5

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(1) ǈƕf ǉǆ ÜƧǍƲ ǄƑƨǁ ÜfƥyǁƐ ƥǁƞǆ!f Ɨ!ƓǍ! ÜƧƬƵ Ʊ1Ü 1990Ü f ‎.366

(2) ƬƱǉƓǍ ÜĭǍƮƧƤ ǑǁƵ ÜƧƠƱƤ ÜǆǊƨǊǉƚƐ ƕǍǌ ǁƾƮƑƥ ÜǕǏǆƐƥă Ü ǆƧƞy ƪƠƕƾÜ f ‎.662 ǆǍƪ Ǆơǆùƥ ǂǆùƠý ÜǈŏƥùǇ!

ƕƠƥǎǏ ƐǕǨƠƑƚ ƺøǏ ǏǁƾǆǊǉǆǄ ƐǕǨƠƑƚ ǆƞy ƪƠƕƾÜ f ‎.129 ǇƗǉƧƠƱǁ!f ÜƤƠƥÜ ƕǊǉƐYǬ ƐǕǨƠøƑƚ Ǐøƺ ǋǉǊøYǬnj

ƐǕǁƩǇƑƚÜ ǆƧƞy ƪƠƕƾÜ f ‎.125

(3) ǈǍǉƠp ƘƓƛǗf ĭƧƮǆ!f ǄpƧ (25) Ɨǉƪ! 1968 ǍǨżƥŏǕǨǊ.

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ÜŁhĜk‡!ƒ .1 :Łŏ!Ĝk!ƒ ƘĜǈǰŏh!ƒ ŎŇj ƽơ!ƒ ƘĜhƛǫ Ł!ƥD" ǇD ǏǕƵ ŎǈƥƧǕ̄ƒ ŎǈƥdǆŽ!ƒ ǇĂǈĜl!ƒ ǇdǆŽ (72) ƚƥĜdǆŽ!ƒ

Ü40) ƥƒĂùdǆŽ!ƒ ƘĈĜƞĂ .[1]"ǇŏdǆŽŏ!ƒ .6 ÜƧƒƧpǕƒ .5 ÜlƧhƤ!ƒĂ ŁǈŏĜƶdǆŽ!ƒ .4 ÜǇƑƒƧl!ƒ .3 ÜƚƥĜnjƬ!ƒ .2

ÜǇƑƒƧl!Ĝh ŁƮĜƤ!ƒ DǆĜ‡ơǕ̄ƒ ǇŏhƘ! 1952 Łǈƪ! (30)DǆpƧ ŎǈƥƧǕ̄ƒ ƘĜǈǰŏh!ƒ ǇĂǈĜp ǇdǆŽ (43 Ü42 Ü41

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.[2] ǁ ù!Ʀ Ƨùŏƺh Ŏưlŏ ƒ ǈ ƥƞĂŏ Dǆ! ĜdǆŽ Ŏƪ‡ƶ!ƒ ýŏ!ƥ!Ĝh ŁǈŏƧl!ƒ ǉƦNj Ưlǈ ƨĂƞŏ NǈD ǏǕƵ ƘĜhƛǕƒ

ƻĂƧùƲ ǇùdǆŽ Ŏùưĝl!ƒ ĜnjƮǕƤƘƪĂ ǇĂǈĜl!ƒ ĜnjŏǕƵ ƒ ǈŏ Dǆ! ŎƘ!ƒ ǇƑƒƧl!ƒ ŎŇj ŁŏƑĜưl!ƒ ǇƑƒƧl!ƒĂ

.[3]ǇƑƒƧl!ƒ ǉƦNj ƱĜhǈƘƪƒ Ŏưĝl!ƒ ƧŏƥlƘ! ǁƧƘŏĂ ŁǈŏƶdǆŽ Ł!Ǖ̆ƥ Ĝnj! ǇD ƴĜǈƘlŏĂ ăĂƵƥ!ƒ

ŎŇj ŁǈŏƧl!ƒ" Ĝnj!Ălh ĜnjdǆĜ‡ơD ƥơD ýǕ̆Ƥ ǇdǆŽ ŁǈŏƧl!ƒ Ƙ5ƧƵ ƥl5 ŁŏǈƥƧǕ̄ƒ ƨŏŏdǆŽƘ!ƒ ŁdǆŽ‡ơdǆŽ ĜdǆŽD

ƥl5 ŎǈƥdǆŽ!ƒ ǇĂǈĜl!ƒ ĈĜnjl5 ĜdǆŽǈŏh .[4]"ýŏ!ƥ!ƒ ĜnjŏǕƵ DǆĜp ăƧƤƒ ŁƶpƒĂ ǇƵ ĜnjƘĜhƛǫ ƔĂǕƱdǆŽ ŁƶpƒĂ ƜĜƘǈƘƪƒ

Łù5ƧƶdǆŽ! ŁdǆŽĂǕƶdǆŽ ŁƶpƒĂ ǇdǆŽ Ŏưĝl!ƒ ĂD ǇĂǈĜl!ƒ ĜnjƮǕƤƘƪŏ ŎƘ!ƒ ǋƑĜƘǈ!ƒ" ĜnjǈD Dǆnj!Ălh ŁǈŏƧl!ƒ ƒĂ5ƧƵ

.[5]"Ł!ĂnjƞdǆŽ ŁƶpƒĂ

ƧdǆŽǕ̆ Ŏưĝl!ƒ ĂD ƳƧĜƬ!ƒ ƱĜhǈƘƪƒ" ĜnjǈD ĂD [6]"DǆĂǕƶdǆŽ ƧdǆŽD ǇdǆŽ ýĂnjƞdǆŽ ƧdǆŽD ƱĜhǈƘƪƒ" ĜnjǈD ĂD

.[7]"DǆĂǕƶdǆŽ ƧdǆŽD ǇdǆŽ ýĂnjƞdǆŽ

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(1) ǇĂǈĜl!ƒ ŎǈƥdǆŽ!ƒ ŎǈƥƧǕ̄ƒ DǆpƧ (43) Łǈƪ! 1976 ǉƘǕ̆ŏƥƶƘĂ .

(2) ƧƲǈD ƚƥĜdǆŽ!ƒ (40) ǇdǆŽ ǇĂǈĜp ƘĜǈǰŏh!ƒ ŎǈƥƧǕ̄ƒ DǆpƧ (30) Łǈƪ! 1952 ǉƘǕ̆ŏƥƶƘĂ.

(3) ƧƲǈD ƚƥĜdǆŽ!ƒ (43) ǇdǆŽ ǇĂǈĜp ƘĜǈǰŏh!ƒ ŎǈƥƧǕ̄ƒ DǆpƧ (30) Łǈƪ! 1952ǉƘǕ̆ŏƥƶƘĂ.

(4) ƨŏŏdǆŽƘ ĈƒƨƞDǆpƧ Ü(92/143) ŁǕƞdǆŽ ŁhĜlǈ ǇŏdǆŽĜơdǆŽ!ƒ ǇŏŏǈƥƧǕ̄ƒ ÜǇƳ Ü1993 Ü ƒ 384.

(5) Ü ĭƧĂnjǈƪ!ƒ Üƽƒ ƨƧ!ƥhƵ Ü ĭƨƯNjǁƐ ƺĭ ƪƥNj ǋƑƨǕǈDǆ ǀƐDǆŽǕƮDǈǁƐ ÜĭĈƨƞ!ƒ ÜŎǈĜƛ!ƒ ƥƒƧ Łưnjǈ!ƒ ŁùŏhƧƶ!ƒ ÜlƧNjĜùl!ƒ Ü1982

 ƒ 435.

(6) ƧdǆŽp ƒ Ü ǉǕƵdǆŽĜǇ Üǈƪ ƺNjǁƐ ĭƺ ĭƪƥNj ǋƑƨǕǈDǆ ǀƐDǆŽǕƮDǈǁƐ ÜĭĈƨƞ!ƒ ÜýĂǕ̄ Ü6Ʊ ÜƵùDǆ!ƔƘ‡!ƒ ÜƔùĜlƧNj!ƒ Ü1987

 ƒ 907.

(7) ƘĜƬǈ ƘơdǆŽƥ Ü ƥƨƒǁǈ ƐǕ̄ƘĜƒƪ Ü Ĉƨƞ!ƒ ÜĈĜǈǈŏ!ƒ ƥƒƧ Ƨ‡ƽ!ƒ ƧƶhŎÜ Ü!ĜNjƧl Ü7Ʊ Ü1997 Ü ƒ 186.

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ƽǁƧƱ LJƵ ǎǍǉǌ LJǎ ýǍnjŋǎ! f ǖƤƙƪf" ǅnjǈ ƗǉǁƧl!f fǍ5ƦƵ5 ǑƑǅŋ!f LJǍǅǅl!f ƇǅnjI5 ǅǎƊ

.(1)"ƧǍǎǖ! ĭƥǅƶ!f ǟƧŋǎ!fǍ ƗǎǅƶƧ!f ƘfƧƤ!f Ĭ!ǫ ǮƥǅƙƪfǍ ǑǉƶƵ!f ǎǍƨǉ!f

ƥùǁƌ LJƊ ǅnjǈùƬ LJǎ ƥNjfǍƬ LJƵ lƧǅƵ" ǅnjǈ LJƑfƧl!f fǍ5ƧƵ5 ĭƧfƥǕf LJǍǅǅl!f ƇǅnjI5 ǅǎf

.(2)"NJ!ƦƤƙ ǍƊ ljfǍƵƥ Ǒ5 ǑƵƥǎ!f

ǛƘǅùǆǫ ýǁ!ƥùǂ ƗǁƧfƥǕf ƽfƧǍǕf ƥƶǆ ƗǁǎNjǕf ƗǁƠ LJǎ ƗǁǅǍ!f ƗǆƙƧǎ!f Ǒ5 LJƑfƧl!f Ǒƙǉ

Ǒùư ǅl!f ǍƊ YƧƬùǎ!f ǅnjùƪƧǅǎǁ ƗùǁNjƦ Ɨùǉǎƶ! ƗùŋǁƙǇ ǑNj LJƑfƧl!f LJƊ ƽǆƪ ǅǎǎ Ơư ƙǁ ƗǁƠ

ǁùǁNjǅǈ LJǁƙƶpfǍ!f LJǁǆ Ɨpǖ Ƶ ǁǅNj LJǍǂǁ LJƊ ƱƧƬǆ ƗǎǍǉƶǎ ƗƶpfǍ LJǎ Ɨ!Ǎnjŋǎ ƗƶpfǍ f ǖƤƙƪǕ

ƗǉǁùƪǍǂ ǅNjƥùơǍ LJƑfƧl!ǅùǆ Ĭ5ƙǂǁ ƥpǍ .ǅǎnjǆ ƥǁƙ!fǍ lƧƤ!fǍ ƽƱǈǎ!f ƥƵfǍp ǎfƧƙơf lƧǍƧư LJƵ

ƗǁƧƮùǎ!f ǅùǁǉƶ!f ƗùǁƧfƥǕf Ɨǎǂơǎǉƶǉ! ǎǂơ Ǒ5 Ƈǅŋ Ɨǁơ ǟƧƤƊ ýƑǅƪǍǆ ƘǅǆǕf ƧƦƵƙ Ĭƙǎ ƘǅǆǍǫ

Ʀǫ .... ĭƥǅùǎ ypfǍ NJǆ ƥnjƬǁ Ǖ Ǒǉǉƪ ǑǈǍǈǅp ƻƧƬƙǂ ƧfƧl!f fƦNj ýǆǎ LJƊ Ɨǁơ LJǎǍ ...." ǅnj!Ǎp

.(3)".....ljƥǍŋǍ Ĭǉƶ LJNjƧǆƙ Ǒƙ!f LJƑfƧl!ǅǆ Ĭ5ƙǂǁ

LJƑfƧpǍ ƗǁǈǍǈǅp LJƑfƧp Ĭ!ǫ ǅnjƮǖƤƙƪǅǆ ƘǎǅƋp Ǒƙ!f Ɨnjŋ!f Ĭǉƶ Ƈǅǈǆ LJƑfƧl!f ƻǈƬƙ NJǁǉƵǍ

ƗùǁǈǍǈǅl!f LJƑfƧl!f NJǁ5 ýǍǅǈƙǈ ýǍǕf LJǁǆơǆǎ Ǒ5 YǍưǍǎ!f ýƮ5!f fƦNj Ǒ5 ýǍǅǈƙǈƪ Ɨǁơ ǛƗǁƑǅưp

.ƗǁƑǅư l!f LJƑfƧl!f ǑǈǅǍ!f Ɨơǆǎ!f Ǒ5 ǎǍ

ǛLJǅǎƵ ǛƗ5ǅl!f Ƨfƥ ƗǆƙǂǍ Ǜ1Ʊ ǛĬǅƥǕ ǆĭǁƦǅƦǁǁǁ lƑƉlƑƟƉǁǁ ǛNjƬǅ ǎNjǅ5 Ĭƺ ƦĭǁNjǁ ǛǑƠƬ ƥǎƠǎ Ǜǎŋǈ (1) .284 f Ǜ1991

.680 f Ǜ1989 ǛlƧNjǅl!f ǛƗǁƧƶ!f Ɨưnjǈ!f Ƨfƥ ǛǆĭƏǅǁǁǁ lƐƥǁǕ ǎNjǅ5 Nƥƪ ǛǎǁƠƧ!fƥƵ ýǅǎǅ ǛLJǅǎǍƵ

Ǜ1Ʊ ǛlƧNjǅl!f ǛƧǂ5!f Ƨfƥ ǛƑNJƗƄƥǁǁNj ǆĭƥƐǅǕ njNjYǅǂǁǁ ǆǎƑyǁǁ ǫǅƑƉǎǁǁ Ĭƺ ƦĭǁNjǁ ǛýǁǉƤ ƨǁƶƶ!fƥƵ ǛĭǍƥǆ (2) .188 f Ǜ1970

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[illegible]

[illegible]

[illegible] (72) [illegible] (1349) [illegible].(1)

[illegible].(2) [illegible].(3)

[illegible].(4)

[illegible] 1952 [illegible] (30) [illegible] (40) [illegible].(5)

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(1) [illegible] 662.

(2) [illegible] 1987 [illegible] 167.

(3) [illegible] 664.

(4) [illegible] 137.

(5) [illegible] 666. [illegible] 1982 [illegible] 126.

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ǴnjƬ ùFǴƬƤĂ Ƚù ŏǈĂǈǴǀ!ƒ ǇƑƒƧùǀ!ƒ Ƨƥ Ƭdž ýĂǕƒ ǇŏǃǒƱdž Ŏ5 Ƚ ơǃdž!ƒ ƒǬNj ýĂǴǈǨǈƪ ǋŏǒƵĂ

.ȽŏǈĂǈǴǀ!ƒ ǇƑƒƧǀ!ƒ ýǴƞdž Ŏ5 ȽŏǒdžƵ ƘǴǀŏǃƱǨ ŎǈǴǍ!ƒ Ɣǒ Ʊdž!ƒĂ ǴnjdžǴƪpƊĂ

üNjǓɛ ƒȽƯǅǁɛ

ƑNJDžƑ ƨ5cNj ƑNJƬƏƑƬƢNj ǃǐǆNjdžƑƫǁɛ DžƏɛƥƫǁɛ ƥƣƬǅ

ǃǐǆNjdžƑƫǁɛ ǃdžǐƥƫǁɛ ƥƣƬǅ :üNjǓɛ Ʊƥƨǁɛ

ŎǈĂǈǴùǀ!ƒ ƒ ǉ!ƒ ĂNjĂ ǋƪǴƪD ǏǁƵ DžĂǀǨ ƥŏơĂ Ƨƥ Ƭdž ǇǆdžƧƛǂ ȽŏǈĂǈǴǀ!ƒ ȽǈŏƧǀ!ƒ ýdžǨơǨ Ǔ

Ƚ ù ǈŏƧǀ!ƒ ƧƬ ùǈƵ ƧǴŏǨƤǴǃ ƳƧƬdž!ƒ DžǴŏǀ5 ǕȽơƒƧƬ ƳƧƬdž!ƒ ǴnjŏǁƵ ƒ ǈĂ ȽǈŏƧǀ!ƒ ǁǁǨ ǇdžƯǨ ǐǬ!ƒ

Ŏ!Ǵ ùǨ!ǴǃĂ Ƚ!ĂnjƞdžȽƶpƒĂ ƘǴǃĂƺ Ǐ!ƺ ǕĂƬĂ ƱǴǃǈǨƪǕƒ ȽŏǁdžƶǃǋdžǴŏpĂ ȽdžĂǁƶdž!ƒ ȽƶpƒĂ!ƒ ĂNjĂ ǐƥǴdž!ƒ

ǋùǁŏƶ5ǨĂ ƒ ǉù!ƒ ǁ!Ǭ ýǴdžƵƺ Ǖƺ Ŏ ƯǴǀǁ! ǇĂȽŏ Ǔ Ƚ ŏơ Ǖƫŏǃ ƱǨ!ƒĂ DžƒƧǨơǕƒ ƔƞƒĂ!ƒ ǇĂǈǴǀ!ƒ ƒ ǉ

.[1]ȽǈŏƧǀ!ƒ ǁǁǨ ƧǴǃǨƵǕ ƳƧǴƬ!ƒ ǴnjdžƨǁǨƪƒ ŎǨ!ƒ ƱĂƧƬ!ƒ ƘƧ5ĂǨ ǏǨdž

ýùŏǴơǨ!ƒ Ǉdž ƥƒƧ5Ǖƒ ƴǴdž ǴnjǈǴdž Ƚ5ǁǨƤdž ƯƒƧƩD ƫŏǀơǨ ƻƥnjǃ Ǖƺ ƳƧƬdž!ƒ ýƤƥǨ ŎǨdžŏ DžǃĂ

.[2]ƩǴǉ!ƒ ǇŏǃƻĂ!ǁdž ĂNj Ǵdž! ȽdžƞƧǨĂ ǭƥŏƪƞǨ ĂD ǇŏƯǴǀǨdž!ƒ ǏǁƵ ƧŏƪŏǨ!ƒ ƥƬǀǃ ĂD ǇĂǈǴǀ!ƒ ǏǁƵ

ƩǴùǀǁ ǇD ǇùȽdžŏ ǘ5 ȽǈŏƧǀ!ƒ ƘdžǴpĂ ƥƞĂ ǏǨdž ǇĂǈǴǀ!ƒ ƒ ǈ ĂNj ȽŏǈĂǈǴǀ!ƒ ȽǈŏƧǀ!ƒ Ƨƥ Ƭdž5

ǋǀ5!ƒ ǉƥȽƒ Ǵdž ƒǬNjĂ ǕȽǈŏƧǀ!ƒ ǁǁǨ! ƒ ǴƤ ƒ ǉ! ƥǃ ǘ5 ȽǁƛǴdždžǁ! ǭƥǴǈǨƪƒ ƒ ǈ ǇĂƥǃ ǎƧƤD ȽǈŏƧp ǴnjŏǁƵ

ǕĂ ƩǴùŏǀ!ƒ ƫùŏƧƱ ǇƵ ǴnjƱǴǃǈǨƪƒ ƨĂƞŏ Ǔ Ƚŏơ ȽǈŏƧǀ!ƒ ƧŏƧǀǨ! ŎǈĂǈǴp ƒ ǈ ƥĂƞĂ DžĂƨ! ǋ!Ăǀǃ

.[3]ȽŏǈĂǈǴǀ!ƒ ȽǈŏƧǀ!ƒ ƧƧǀŏ ǐǬ!ƒ ƒ ǉ!ƒ Ƨŏƪ5ǨŎ5 ƴƪĂǨ!ƒ ƨĂƞŏ

(1) ƒǀ!ƒǴƯdžƶ ǕȽǁǴǀǕ ǕDžǁǴƪ DžƏɛƥƫǁɛ ƑNJǁǁǀNj Ǐƺ ǈƑǴǨǕɛ ƑǁƑǆ! ƥƑƬ5 ǅǈǀƏǅ üǓƴǁɛ ƑȽƟƴǁɛ ǕƥǅǓǐǃǅ ǁƞƧdž ǕǃǐǴƪ ƒ .267

(2) ǁƥŏdžǁ! ƧǃǈƒǈƧ ǕƧƱdž ƥdžơƥdž ǕǏŏơ Ǐǃ ǈƑǴǨǕɛ ƣɛNjǈǅǁɛ ǃǐǆƣǅǁɛ ǃǐƥƑǁǁɛNj ǕǃǐƥƑǁǁɛNj ǕƞƧdž ǴƪƤ ǕǃǐǴƪ ƒ 170 .ǴǃĂdž ǃǈƶƥǃNj.

(3) ǃĂǬ!ƒƪƶĂƥ ǕƧdžƯǴƪǈ ǕǃƬ NjǓü ǃǐǴƪ ǕƞƧdž ǃƑǁǁɛǃNjƥǃ ǁǁǐǃ (ǃǐƣǅǁɛ ǃǐƑǁǁɛ ǃǐǃƏƟǁǁɛ) ǕƏƑǁǀǁǴƪ ǃƬNjü ǃǐƣƞƧǐǴ ǴƪƤ ƒ .54

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[illegible]:(1)

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.(2)[illegible]

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(1) [illegible]
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(2) [illegible] f 129.

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(1) [illegible] (94/386) [illegible] 1995/4/15 [illegible] 1995 [illegible] 1868.
[illegible] (98/22) [illegible] 1998/5/26 [illegible] 1999 [illegible] 621.

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[illegible]

[illegible] .[1][illegible]

[illegible] (51) [illegible] 1945/7/31 [illegible]

[illegible] .... [illegible]

[illegible] .[2][illegible]

[illegible] 1956/6/7 [illegible]

[illegible] .[3][illegible]

[illegible] (47) [illegible] 1972 [illegible]

[illegible] (24) [illegible] .... [illegible]

[illegible] .[4]"[illegible]

(1) [illegible] .219 [illegible]

(2) [illegible] 135 [illegible].

(3) [illegible] .135 [illegible]

(4) [illegible] (47) [illegible] 1972 [illegible].

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lþĠùdž!ƒ Ŏù5 1992Ŧǉǉ ù! (12)ǄǆƧ ŦŏǉþƧŪƒ Ǥǒǁȥ!ƒ ýþȥ!ƒ Ŧdž‡ơdž LJĂǉǤǆ ƒ ǉ :ǄȥǍþŬɛ Ĭʒ

LJùƵ ǤnjƵǤǉǩdžƒ ĂǊ ƧƒƧǀ!ƒ ƦǤƤǩƒ ŦƬǩƤdž!ƒ Ŧnjȵ!ƒ Ư5Ƨ ĭƧƒþŰƒ ƧƒƧǀ!ƒ Ǆ‡ơ Ŏ5 ƧǆǩȥŏǄ" ǇǇ!Ăǀǆ (11)

lþĠùdž!ƒ Ŏù5 ǗưŏǊ ƒ ǉĂ ."Ǥnjǆ ýĂdžȥdž!ƒ ƘǤȥŏƧƬǩ!ƒ Ĭưǩǀdžǆ ǉƦǤƤǩƒ ǤnjŏǁƵ ƔǩƧǩŏ LJǤ‡ ƒƦǫ ǉƦǤƤǩƒ

ĂùǊ Ǥdž! Ǘǀ5Ă ǁ!Ʀ LJƵ ǤnjƵǤǉǩdžƒ ĂǊ ƧƒƧǀ!ƒ ƦǤƤǩƒ ŦƬǩƤdž!ƒ Ŧnjȵ!ƒ Ư5Ƨ Ŧ!Ǥơ Ŏ5" ǇǇ!Ăǀǆ (Ɣ/12)

lþĠùdž!ƒ ǉƦǊ LJdž (Ǌ) lƧǀǃ!ƒ Ŏ5 ǤnjŏǁƵ ƒ ĂƬǉdž!ƒ LJȥƱ!ƒ lþdž ǄþǆǩLJĂǉǤǀ!ƒ ƒƦǊ LJdž (11) lþǤdž!ƒ Ŏ5 LJŏǆdž

.[1]"ƧƒƧǀ!ƒ ǁ!Ʀ ƦƤǩǩ! Ŧnjȵ!ƒ ǁǁǩ! ǗŏƱƤ ǗǆǁƱ ŎƵþǩǉdž!ƒ ǄŏþǀǨ ơŏƧǤǩ LJdž ǗdžĂŏ (30) ǤǤưǀǉƒ þȥǆ

ý‡Ƭùǩǩ Ư5Ƨ!Ǥǆ Ŏǉdžư!ƒ ƧƒƧǀ!ƒ ŦǉŏƧǆ LJǊ Ƨ‡Ʀ!ƒ ŦǀǆǤǉ ŦŏǉĂǉǤǀ!ƒ ƒ ĂƬǉ!ƒ LJdž Ǥǉ! ƧnjƱŏ

lƧƒþűù! ǄþùǀǊǆ!ƒ LJǆƬù!ƒ ƔơǤƬ ǄǁƱǩ ĬǁƵ ŦǆǤȵŰƒ ǄþƵ LJǫĂ LJĂǉǤǀ!Ǥǆ lþþơdž!ƒ lþdž!ƒ ƧĂƧdž þȥǆ

.ǄǁƱǩ!ƒ ƒƦnj! Ǘư5Ƨ ƧǆǩȥŏǇǆdžŏþǀǩ ĬǁƵ ŦŏǉĂǉǤǀ!ƒ lþdž!ƒ ƧĂƧdžĂ

ŦùǆǤǋdžǆ ĂùǊ lƧƒþŰƒ ƘĂ‡ǉ LJǊ ƧǤǆǩƵƒ ĬǁƵ LJĂǉǤǀ!ƒ ƒ ǉŏ ǤdžþǉƵ Ŭǫ ŦǉŏƧǀ!ƒ ǉƦǊ ǄĂǀǩ ŬĂ

ƨĂùȵŏ Ŭ ...." ǇǉǊ ŦŏƧƬdž!ƒ ĭƧƒþŰƒ ǤǤưǀ!ƒ Ŧdž‡ơdž! Ǆ‡ơ Ŏ5 ǤǤȵ þƥĂ ÜƯ5Ƨ!Ǥǆ Ŏǉdžư ƧƒƧǆ

þƒƧù5Ūƒ ƘǤùǆǁƱ ĂǊ ƘǤdžǁƱǩ ĂǊ ăĂǤ‡Ƭ ĬǁƵ þƧ!ƒ LJƵ ƘŬǤơ!ƒ ýŏdžȵ Ŏ5 lƧƒþŰƒ ƘĂ‡ǉ ƧǤǆǩƵƒ

ƦǤùƤǩƒ LJƵ ǤnjƵǤǉǩdžƒ ĂǊ ƧƒƧǆ ƦǤƤǩƒ ŦŏƧƒþŰƒ ƘǤƱǁǉ!ƒ Ư5Ƨ þǉƵ Ŭǫ ƳǤǉǩdžŬǤǆ Ŏǆǁǉ ƧƒƧǆ ŦǆǤǋdžǆ

.[2]"ƠƑĂǁ!ƒĂ LJŏǉƒĂǀǁ! Ǘǀ5Ă ǉƦǤƤǩƒ ǤnjŏǁƵ Ɣȵƒ Ă!ƒ LJdž ǇǉǊ Ǆʓ Ƨ ƧƒƧǆ

ǇǇùǉǆǆ Ƙưùǆ þǀ5 ǤnjdžǤ‡ơƒ LJdž þŏþȥ!ƒ Ŏ5 ŦǉŏƧǀ!ƒ ǉƦǊ ĬǁƵ ǤǒǁȥƧƒ ýþȥ!ƒ Ŧdž‡ơdž ƘþǄǊ þƥĂ

ƘƒþǉǩǉùdžǤǆ ǁ!ù!Ʀ ƘǆǍ Ʀǫ ŦŏǉǉȵǤ!ƒ LJĂǉǤǆ LJdž ŦǍ!ǤǍ!ƒ lþǤdž!ƒ Ŏ5 ŦǉŏǆdžǤƒ ƱĂƧƬ!ƒ ŎƵþǩǉdž!ƒ ƨơǆ Ƨ5ĂǩǩǇ"

ŎùǉþƧǊ Ƨƽùǉ ƨƒĂȵ ĬǁƵ ýĂƬơ!ƒ ǇǀơLJdžĂ ŦŏǉǉȵǤ!ƒ ŎǉþƧǊ ŎƵþǩǉdž!ƒ ƧǆǩȥŏǄŏǁƵĂ þĂnjƬ!ƒ lþǤnjƬĂ

.[3]"ǤǤʒ!ŰǤǆ ƨŏǀơĂ LJĂǉǤǀǉ! Ƶ!ǤƤdž ŎǉþƧǊ Ƨƽǉ ƨƒĂȵ ŎƵþǩǉdž!ƒ ǤǤƱƵǫ ǄþȥǆŎǉdžư!ƒ ƧƒƧǀ!ƒ LJǊĂ

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(1) LJĂǉǤǆ Ŧdž‡ơdž ýþȥ!ƒ ǤǒǁȥƧ ǄǆƧ (12) ǉǉǉ! Ŧǉ 1992 ĂǩȥþŏŬǇǩ.

(2) Ǆ‡ơ Ŧdž‡ơdž ǤǤưǀƒ ĭƧƒþŰƒ ŦŏƧƬdž!ƒ Ü(1937) ǄǆƧ ăĂƵþ Ü(ƨ 2) Ŧǉǉ Üȵǉǉ Ŧǉǉ 1998/7/28.

(3) ýþƵ ǤǒǁƵ ÜƧƒƧǆ ǄǆƧ (84/618) Ŧȵdž ŦǆǤǉǉ LJŏdžǤơdž!ƒ LJŏŏǉþƧŪƒ Ü1984 ƒ 730. ýþƵ ǤǒǁƵ ÜƧƒƧùǆ ǄùǆƧ (2009/350) Ŧȵdž ŦǆǤǀǉǉ LJŏdžǤơdž!ƒ LJŏŏǉþƧŪƒ ÜƳ(7Ü 8Ü 9)Ü 2011Ü ƒ 975.

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(1) (97/150) (11 10) 1998 .2802

(2) (2001/497) (11 10) 2001 .2010

(3) .137

ĂD Ư5Ƨùƙ Dŭù! ĠnjLjDĂ ŎƵƥƙƮdž!ƒ LJdž DžƥIdž!ƒ ƔĬƱ!Ǥ ƾIơƙ ýƒƨƙ Ŭ ĠnjLjD ƘhƙƙLJD ĠNjƥư ĬƵƥƙƮdž!ƒ

.[1]" ƒ ĂƮƤ!ƒ ƒƦnjƥ ƧƒƧp ƧƒƥƮƍ LJƵ yǤƙdžƙ

ljƦùNj LJD ƗŏƠ LJdžĂ" Ġnj!ĂIƥ ƗŏƧƮdž!ƒ ĠŏĬƶ!ƒ ƗŏƧƒƥŮƒ Ɨdžǂơdž!ƒ ƒ ĂƮƤ!ƒ ƒƦnjƥ Ƙưp ƥpĂ

ǴùdžĂŏ LJŏƙùƮ ƘƒĂ5 LJD ĬĬƵ ƒ Lj ƥp Ɨ!Ăƥ!ƒ ƩĬƞdž LJĂLjĠp LJĠǂ LJƍĂ NLjƥ Ƙưp LJD ƾƥƮ Ɨdžǂơdž!ƒ

LJĂLjĠùI!ƒ LJD ĭD IJ Ưù5Ƨ ƗƥĠƙdžƥ Ƨƥƙƶŏ ƗƮƙƤdž!ƒ ƘĠƱĬƮ!ƒ NLjƵ Ɣŏƞƙ LJD LJĂƥ DžĬƱƙ!ƒ DžŏƥIƙ ĬĬƵ

ƒƦùNj ƘƒĂ5 ƗLjŏƧp Ŏ5 Ŏdžǂơ!ƒ Ư5Ƨ!ƒ ƒƦNj lƥĠ5ƙƮǤ ǴLjdžư DžĬƱƙ!ƒ Ƙư5Ƨ ĠnjLjD lƧƒƥŮƒ Ŏ5 Ưƨƙ5ƒ

ljƦùNj Ɨ!Ůƥ Ŏ5Lj ƾŏIơƙ Ŏ5 Ŏ5ǂŏ NLjD Ůƍ IJ DžĬƱƙ!ƒ ĬĬƵ lƧƒƥŰƒ Ɨnjƞ Ɣŏƞƙ LJD LJĂƥ ŎLjdžƨ!ƒ ýƮĠ5!ƒ

ĠùnjLjDĂ DžĬƱƙ!ƒ ýdžnjƙ Dž! ƗƮƙƤdž!ƒ ƗŏƧƒƥŰƒ ƘĠƱĬƮ!ƒ LJD LJŏƥƙŏ LJD DžĬƱƙĬ! lƧƒƥŰƒ Ư5Ƨ ĬĬƵ ƗLjŏƧI!ƒ

ƧƥƮùƙ Ĭƙơ Ɨ!Ġơ!ƒ ljƦNj Ŏ5 DžĬƱƙ!ƒ ƥĠƶŏdž ƥƙdžŏ DžƙLJdžĂ ....NdžĬƱƙ Ŏ5 ƾơ DžĬƱƙdžĬ! LJD ƘƧƶƬƙƮƒ

DžĬƱƙùdž!ƒ ƗƥĠƞƍ NƙŏĠƩ LJD Ƙƥƙ ĭƦ!ƒ ‖ĬƮdž!ƒ ƒƦNj LJƵ Ġnj!ĂƥƵ LJƵ ƐƥLjŏ Ġdž ƗƮƙƤdž!ƒ ƗŏƧƒƥŰƒ Ɨnjƞ!ƒ

.[2]"....LJƋƬ!ƒ ƔĠơƮD ‖!Ʀƥ DžĬƶŏĂ NdžĬƱƙ LJdž NŏƷƥŏ Ġdž Ĭ!ƍ

ăƥƐƍŰƐ ƥƐƥƾǂ‖ DžǘƳŰƐ Njc ƥƮdž‖Ɛ ƥdžĭƥ5 :ĬdžƑƙ‖Ɛ Ʊƥƨ‖Ɛ

Ăùnj5 :LJǗùƵŰƒ ĠdžD ŰƧƒƧ!Ǥ ƧĂnjdžƞ!ƒ DžĬƶŏ Ŏǂ! ƗLjŏƶdž ƘĠŏĬǂƬ lƧƒƥŰƒ ƳĠƥƙƒ ĂNj :ƧƬLj!ƒ

.[3]ƧĂnjdžƞ!ƒ LJdž DžnjƙƒĂƦƥ ƥƒƧ5D ĂD NLjŏƶƥ ƥƧ5 DžĬƵ Ĭ!ƍ ƧƒƧ!ƒ lƧƒƥŰƒ Ġnjƥ ýILjƙ Ŏƙ!ƒ ƗIŏƧƱ!ƒ

ŎƮLjƧ5!ƒ Ɨ!Ăƥ!ƒ ƩĬƞdž LJƋƬƥ 1945/7/31 Ŏ5 ƧƥĠƮ!ƒ ƧdžŰƒ LJdž (49) lƥĠdž!ƒ ƘƮLj ƥpĂ

ƥùpĂ ŰĆĠùƷ!ŰǤ LJƶƱ!ƒ ƥĠƶŏdž LJĠŏƧƮ DžƙLJdžĂ ĭƧƒƥŰƒ ƧƒƧ!Ǥ DžĬƶĬ! ƗLjŏƧIǂ LJǗƵŰƒĂ ƧƬLj!ƒ ĬĬƵ

(1) ýƥƵ ŰĠŏĬƵ ƧƒƧp DžƥƧ Ű(80/5) Ɨĭƞdž ƗƥĠILj ƗLJŏdžĠơdž!ƒ LJŏŏLjƥƧŰƒ Ű11Y Ű1980 ƒ 1485.

ýƥƵ ŰĠŏĬƵ ƧƒƧp DžƥƧ Ű(83/84) Ɨĭƞdž ƗƥĠILj ƗLJŏdžĠơdž!ƒ LJŏŏLjƥƧŰƒ Ű2Y Ű1984 ƒ 138.

(2) ƗŏƧƒƥƍ ĠŏĬƵ ƗŏƧƮdž Ű LJƶƱ ƧƥƧ (398) Ɨ!ƮLj Ɨ(ƾ 33) Ű ƞĬƮƗ 1991/2/16.

ƗŏƧƒƥƍ ĠŏĬƵ ƗŏƧƮdž Ű LJƶƱ ƧƥƧ (1660) Ɨ!ƮLj Ɨ(ƾ 33) Ű ƞĬƮƗ 1991/4/27.

(3) ĭĂĠdžƱ!ƒ Ű ƮĬŏĠdžLJ Ű ƐƾƮƑƀ ƐŰƍƥƐă Ű ƞƧdžƞý ƮĠƾŰ ƒ 571 Ű ƒ 574.

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[illegible] (1)

[illegible] 1972 [illegible] (47) [illegible] (24) [illegible]

[illegible] (12) [illegible] 1992 [illegible] (12) [illegible]

[illegible] (60) [illegible] ...." [illegible]

[illegible] (2)

[illegible] (3)

(1) [illegible] 137.

(2) [illegible] 139.

(3) [illegible] 3484 [illegible] (33) [illegible] 1994/5/5 [illegible] (4638) [illegible] (49) [illegible] 2007/7/3.

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ƧƒƧù!!ƒ ƧƬùǉ ơǰƧǴùƙ ǈǊ Ǐ!Ƶ Ƨ!ƙȠƒ Ɨǆǂơǆ!ƒ ƥǴǋƙƞƒ" ǈǆǶ ǴǑ!ƶ!ƒ ƴƥƶ!ƒ Ɨǆǂơǆ Ƙưpǅ

ƒǨ5 ÜƧƒƧ!!ƒ ăǍơ5 ǈǆưƙǒ ƧƬǉ!ƒ ǈǴǂ ƒǨ ƥǴƶǒǆ!ƒ ǈǴǒƧȠ! Ɨǒƒƥǻ ƥƶǑ Ɨǒǆ Ƞ Ƨ!ƒ ǉƥǒƧƞ!ƒ Ǒ5 ĭƧƒƥǗƒ

ƧƬùǉǑ ǴǆǏ!Ƶ ƗǆǴƶ!ƒ ƳǘƠƒ ƯƧƙ5ƒ ǈǍǉǴ!!ƒ ǈǕ ǈǆƬ!ƒ ƔơǴƮ Ƹǒǻƙ Ǐ!ǫ ƧǴƮǒ ǘ5 ƧƒƧ!!ƒ ƧƬǉ

.[1]Ɨǒǆ Ƞ Ƨ!ƒ ǉƥǒƧƞ!ƒ Ǒ5

Ɨùǆǂơǆ ǈǆ5 ƧƒƧ!!Ǵǻ ǆ!ƶ!ƒ ƘǴǻƛǗ ƗǒȠǍǂ ǈǘƵǗƒǍ ƧƬǉ!ƒ ǈǒǻ ăǍǴȠ ƥp ǈǍǉǴ!!ƒ ǈǴǂ ƒǨ5

ƧùƤǙƒ ǆǴ!ǆ ǴǆǋƥơǊ ǆǍ!ǒ Ɨǒơǻ ǈǒǉǑȠǍ!ƒ ǈǒǻ ǉƒǍǴȠǆ!ƒ Ǐ!ǫ Ƙǋƞƙƒ ƥp ƗǒƧƮǆ!ƒ ĭƧƒƥǗƒ ƇǴư!!ƒ

ǍǊ ƗùǆǴƶ!ƒ ƗùǒƧƒƥǗƒ ƘƒƧƒƧù!!ƒ ǈǒǻ ƨƧƽǒ Ǘ ƒ ǉ!ƒ" ǈǊ ƘƧǂǨ ƗǒơǴǋ! ǆǂơ Ǒ5 ǁ!ǨƇǴƞ ƥpǍ

ǈǫ ƴǻ ÜǋǻǈǆƬ!ƒ ƔơǴƮ ǈǘƵǫ Ɨǒƥƨ5!ƒ ƘƒƧƒƧ!!ƒ Ɨ!ǴơǑ5 ƔƞǍǒ ǆ!ǍÜƗǒƥƨ5!ƒ ƗǒƧƒƥǗƒ ƘƒƧƒƧ!!ƒ

ƥùơǊ ǈǍùƵ Ɨùǒƥƨ5 ǍǊ Ƙǉǂ Ɨǆǂ Ƶ ƗǒƧƒƥǗƒ ƘƒƧƒƧ!!Ǵǻ ǈǆƬ!ƒ ƔơǴƮ ǆ!ƶ ƘưƧƙ5ƒ ƥp ǉƥǴǆ!ƒ ǉǨǋ

ÜǴǋǻ ǈǆƬ!ƒ ƔơǴƮ ǆ!Ƶ ƧǒǍƙ Ǒ5 ǆƵ ǴǂǆǋƥơǍ5 ÜǴǋǻ ǈǆƬ!ƒ ƔơǴƮ ǈǘƵǫ ǍǊ ǴǋƧƬǉ Ǵǆǫ ǈǒǕǒƧƠ

.[2]"ƧƤǙƒ ǈƵ Ǒǉƶǒǅ

ƒǨùǋǻ ƗǒƧƮùǆ!ƒ ĭƧƒƥǗƒ ƇǴư!!ƒ Ɨǆǂơǆ ǏƠƤ Ǐ!Ƶ ǴǑ!ƶ!ƒ ƴƥƶ!ƒ Ɨǆǂơǆ ƇǴưp ƧǴȠ ƥpǅ

ǈǅƥ ǈǍùƶƠ!ƒ ƥǴƶǒǆ ǈǴǒƧȠ Ƈƥǻ! ǈǘƵǗƒǍ ƧƬǉ!ƒ Ɨƶpƒǅ ǈǒǻ ǉƒǍǴȠǆ!ƒ Ǐ!Ƶ Ƨ!ƙȠƒ Ɨǒơ ƒ ǍƮƤ!ƒ

ƴƥùƶ!ƒ Ɨùǆǂơǆ ƘƮǉ ƥpǍ ƗǒǆǒƠǉǙ!ƒ ǍǊ ƗǒƥƨƢ!ƒ ƘƒƧƒƧǘ! ƗǍȠǉ!Ǵǻ ƇƒǍȠ ǴǆǋǉǆǉǴǆ ĭǊ ƴǴƞǆ! ƥǒƥơƙ

ǈǊ ǏùǘƵ ƗùǉǒǍǒ ƧùǻƙƶǑ Ɨǒǆù Ƞ Ƨ!ƒ ǉƥǒƧƞ!ƒ Ǒ5 ƧƒƧ!!ƒ ƧƬǉ ǈǋ" ƴǴƞǆ!ƒ ƒǨǋ Ǒ5 ǴǋǴ! ǆǂơ Ǒ5 ǴǑ!ƶ!ƒ

ƧƬùǉǑ ǴǆǏ!Ƶ ƗǆǴƶ!ƒ ƳǘƠƒ ƯƧƙ5ƒ ǈǍǉǴ!!ƒ ǈǕ ÜƧƬǉ!ƒ ơǰƧǴƙ Ǩǉǆ Ǳǉǒ!ǒ ǱǆǏ!Ƶ ǊǍǻ ǆǏ!Ƶ ǑƵƥƙȠǆ!ƒ

ƗùǒƧƒƥǗƒ ƘƒƧƒƧù!!ƒ Ǒ5 ƧƮơǉǆ ƧƬǉ!ƒ ǈǊ ƴǴ!ǒ ǗǍ ....ƗǒƧƒƥp ƘƒƧƒƧp ǈǆǆ Ɨǒǆ Ƞ Ƨ!ƒ ǉƥǒƧƞ!ƒ Ǒ5

(1) ƴƥƶ ƧƒƧp ƥǒƧ (94/214) ǆǒƶǴǆ ǆǂǉǴǻ ǆǋǋƥơǒǉǆǋǁǴǋƗǒ ƴƥǍ (2 Ü1) 1995Ü ƒ 44.

ƴƥƶ ƧƒƧp ƥǒƧ (2009/178) ǆǒƶǴǆ ǆǂǉǴǻ ǆǋǋƥơǒǉǆǋǁǴǋƗǒ ƴƥǍ (7Ü 8Ü 9)Ü 2010Ü ƒ 982.

(2) ƥǂơ Ɨǆǂơǆ ƇǴư!!ƒ ĭƧƒƥǗƒ ƗǒƧƮǆ!ƒ، ơǰƧǴƙ 22/11/1955Ü Ɨǉǂ!ƒ ƘƒƧƬǴƶ!ƒÜ ƒ 26. ǉƧǂǨ ǏǍƬǅ ÜƧǆơǍùƥ

ƴǴƞǆ!ƒ ÜǈǒƥǉǋǍ ƗǂƬǉǆǆ ǆǋǋƥơǒǉǆǋǁǴǋƗǒ ÜǈǕǆƥǆǋǆ ƒ 156 .

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Ɨùǆǂơǆ!ƒ ǈĂǉƓùƥ Ŏ5 ƥƨƒĂ!ƒ ƒ ǉ!ƒ ǉƥŏlŏ Ů ýĂ!ƒ ƒŖǋ ǈŨ ƗŏƥƧ5!ƒ ƗŏƧƒƥŰƒ ƘƒƧƒƧ!ƒ ǈĂƥ ƗǆǅƵ!ƒ

.(1)"ǋƥǘƱƼ ǏǅƵ ĭƧƞŏ ƪǅƱǆ!ƒĂ ǅǅƱǆ ƇƓƞ ĭŖ!ƒ

ƧƬùǉ!ƒ ǈŏǅŏƪĂ!ƒ ǈŏƾ lƒĂƓƪǆ!ƒ ǉŖǋ ǈǅ ǏǅƵ Ƨlƙƪƒ ƥƓƵ ĭƧƮǆ!ƒ ĭƧƒƥŰƒ ƇƓư!!ƒ ǈǅ Ůƽ

ƥùƥ ǋǈǅ ǅƹƧĂ" ƓǊ!Ăǉƾ ƗŏƧƮǆ!ƒ ƓǅƵ!ƒ ƗŏƧƒƥŰƒ ƗǆǂơǆǅǊ! ǅǂơ Ŏ5 ƇƓƞ ƚŏơ ƗǅǆƓǂ ƘƪŏƷ ǈǘƵŰƒĂ

Ů ǋùǉǅ Ůƽ ǋŏ5 ǈĂƶƱǆ!ƒ ƧƒƧ!Ɠƾ ǅǅƵ!ƒ ƘƓƾƛŮ Ɨǅŏƪ Ă ǈǘƵŰƓǂ ƧƬǉ!ƒ ǈĂǂŏ ǈǅ ǈĂǉƓ!!ƒ ƒ ǉƾ ƧƧlƙ

ƧƒƧ!ƓùƾǈǘƵŰƒ ýƒƨ Ů Ŗƽ ƗǅǆƓǂ ƘƪŏƷ ǈŏǅŏƪĂ!ƒ ǈŏƾ lƒĂƓƪǆ!ƒ ǉŖǋ ǈǅ ǁ!Ŗ ƴǆ ƘƾƓƛ!ƒ ǈǆ ýƒƨŏ

.(2)"ǅǉǂǆǆ ǈǘƵŰƒ ǈĂǂŏ ƚŏơ ƧƬǉ!ƒ Ŏ5ǂŏ Ů ƚŏơƾ ƓǅǊƛƪŰƒ ĂǋƵ ƧƬǉ!ƒ ƓǆǅĂ ýƮŰƒ Ăǋ

ǅùǅƵ!ƒ ǈǅ lƧùƾƛƶǆ ŎǉŏlŏƤ ǅǅƵ!ƒ ƗŏƧƯǉƾ ƓǋǆƓǂơǅ ƯƵƾ Ŏ5 ƓǅƵ!ƒ ýƥƵ!ƒ ƗǆǂơǆǅƘƗŖƤ ƥƥĂ

ƥùƥĂ ƇƓùƹ!ŰƓƾ ǈƵƱ!ƒ ƥƓƵŏǆ ǈƓŏƧƪ ǋƛ5 ƒ Ƥŏ ƓǆŏƱ ǈǘƵŰƒĂ ƧƬǉ!ƒ ǅƓǅǆ ǅĂlƙ Ɨǅŏƪ Ă ƧƒƧ!Ɠƾ ŎǉŏlŏƤ!ƒ

ǅùǅƵ!ƒ ǈǅĂ" .(3)"ŎƮƤƬ!ƒ ƹǅǆƾƙ!ƒ ǅƓǅǆ ǅĂlŏ ĭƧƒƥŰƒ ƧƒƧ!Ɠƾ ŎǉŏlŏƤ!ƒ ǅǅƵ!ƒ ǈǅ" ƓǊ!Ăǉƾ ƓǊ! ǅǂơ Ŏ5 ƇƓƞ

.(4)"ĭƧƒƥŰƒ ƧƒƧ!ƒ ƔǉƒĂƞ ýǂƾ ǅǅƵ!ƒ ĭǅ ǋƾƓƾƪǅĂ ƧƒƧ!ƒ ăĂơ5 ǏǅƵ ƔƮǉŏ ƧƒƧ!Ɠƾ ŎǉŏlŏƤ!ƒ

ýùŏǂĂƙ ơŏƧƓƙ ǈƹ" ƓǊ!Ăǉƾ ĭƧƒƥŰƒ ƧƒƧ!Ɠƾ ŎǉŏlŏƤ!ƒ ǅǅƵ!ƒ Ƨ5Ăƙ ƘƓǆƽ Ɨ!Ɠơ Ŏ5 ǅưŏǅ Ƙư ƥĂ

ƧƒƧ!Ɠùƾ ŎƵƥƙƪùǆ!ƒ ǅùǅƵ! ǈǅŏƙǆ!ƒ ǏǉŰƒ ƥơ!ƒ Ƙƾŏ ĭƧƒƥŰƒ ƧƒƧ!Ɠƾ ǈƶƱǅ! ŎǆƓơǆǅ! ŎƵƥƙƪǆ!ƒ

2009/11/25 Ŏù5 ƗùƤƧƋǆ!ƒĂ ŎǆƓùơǆǅ! lƓƱƶǆ!ƒ Ɨ!ƓǂĂ!ƒ" ǈǅ ǅưŏǅ ƘưƥĂ .(5)"ǋŏ5 ǈĂƶƱǆ!ƒ

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(1) ýƥƵ ǅƓǅƵ ƧƒƧƥ ǅƥƧ (71/49) Ü ƓƗǉǅǆ ƓǊƓǆ ǅǅƾƞƮǆǅǅ Ü1972 ƒ 123.

ýƥƵ ǅƓǅƵ ƧƒƧƥ ǅƥƧ (80/47) Ü ƓƗǉǅǆ ƓǊƓǆ ǅǅƾƞƮǆǅǅ Ü1981 ƒ 1231.

ýƥƵ ǅƓǅƵ ƧƒƧƥ ǅƥƧ (82/20) Ü ƓƗǉǅǆ ƓǊƓǆ ǅǅƾƞƮǆǅǅ Ü1983 ƒ 501.

(2) ƗŏƧƒƥƽ ǅƓǅƵ ƗŏƧƮǆ Ŏ5 1957/7/22 Ü Ɨǉƪ!ƒ ƗƓǅƪǅǆ Ü ƒ 1209. ƗƓǂǆǂơǆ Ŏù5 1960/12/21 Ü Ɨǉƪù!ƒ

Ü ƗƪǅƤ!ƒ Ü 1258 ƗƓǂǆǂơǆ Ŏ5 1962/4/14 Ɨǉƪ!ƒ ƗƵǉƪ!ƒ Ü ƒ 601. ŖƧǋƓ ƧƪǂĂǆ Ü ǏƪǅƙƓƵ ƥƓǆƿ ýƓǅƙ ǈƥƓùƥƪ!ƒ Ü

ǋǅƥǆƓ ǅƾǉǅƪǅƥǆǅƥ ǏƷ ǅƒƓǅǅǅ ǅƓƥƥƳǅ Ü ƒ 156.

(3) ýƥƵ ǅƓǅƵ ƧƒƧƥ ǅƥƧ (86/158) Ü ƓƗǉǅǆ ƓǊƓǆ ǅǅƾƞƮǆǅǅ Ü1987 ƒ 849.

(4) ýƥƵ ǅƓǅƵ ƧƒƧƥ ǅƥƧ (84/172) Ü ƓƗǉǅǆ ƓǊƓǆ ǅǅƾƞƮǆǅǅ Ü1985 ƒ 1713.

(5) ýƥƵ ǅƓǅƵ ƧƒƧƥ ǅƥƧ (94/410) Ü ơŏƧƓƙ 1995/4/15.

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[illegible]

[illegible] 2010/1/25 [illegible]

[illegible] (95) [illegible]

[illegible].[1]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible].[2]

[illegible]:

[illegible]

[illegible].[3]

[illegible] (1351) [illegible]

[illegible]

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(1) [illegible] (2010/45) [illegible] 2010/5/31 [illegible] (4 [illegible] 5 [illegible] 6) [illegible] 2011 [illegible] 516.

(2) [illegible] (84/85) [illegible] 1984 [illegible] 1485.

(3) [illegible] 139 [illegible] 53 [illegible] 216.

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[illegible] (1) [illegible]

[illegible]

[illegible] (2) [illegible]

[illegible] (3) [illegible]

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(1) [illegible] (89/3) [illegible] 1990 [illegible] 2411 [illegible].
[illegible] 3 [illegible] 174 [illegible].
(2) [illegible] (952) [illegible] (26 [illegible]) [illegible] 1984/1/24.
[illegible] (4090) [illegible] (38 [illegible]) [illegible] 1994/12/10.
(3) [illegible] (2009/173) [illegible] (7، 8، 9) [illegible] 2010 [illegible] 1004.
[illegible] (2012/519) [illegible] 2013/3/19 [illegible] www.qistas.com.

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[illegible]

[illegible] .[1]

[illegible]

[illegible] .[2]

[illegible] [3] [illegible]

[illegible]

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(1) [illegible] (99/284) [illegible] 2000 [illegible] 226.

(2) [illegible] 2006 [illegible] 1046.

(3) [illegible] (2005/420) [illegible] 2005/11/17 [illegible].

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ýùzη Ŏù5 ĭƧƬùdž!fĂ ŎƪǉƧ5!f ƳƧƬdž!f ĂƦơ ĂƦơŏ ǇǇ ŎǉþƧǕf ƳƧƬdž!f Ĭ!Ƶ ΘƧkǀǉĂ

ǇùdžǀĬŏǉĜĂ!f ĬηƧþ!f DžĜdžǇ Ǉŏ ưĜǀkdž! ĬƬƧ5!f ĬơĜkŰ ǁ!ƦĂ ǕùǀkƪdžǇŏkηƧþ Ĭ!Ƶ ĭƧfþŰf Ŏ ưĜǀk!f

þùǀ5 Ĭùzŏǀ Ʊ!f ýĜơǀ ǕdžĜǂ Σŏ! ǇĜƪǉŰfĂ ǇĜƪǉŰf ǇƵ ǀƧþĜƬ ĬŏFĜ ưǀ!f DžĜǂơǕf ǇĂǂĂ Ŏ ưĜǀk!f

.ĬŏƧƬǀ!f Ĭzŏǀ Ʊ!f ǉƦǋĂ ĬƬpĜǉ ǊĜdžƵǇ ǇĂǂk

Ǉǫ" Ĝùǌ!Ăǀ ƨùŏŏdžk!f Ĭdžǂơdž Ƙưp ĭŏơ ŎǉþĂ!f ĈĜưǀ!f Ŏ5 ĬǉŏƧǀ!f ǉƦǋ ƫŏǀƱk ĈĜη þpĂ

ƨùŏdž! ĜùǋþƧ Ĭŏƒƒþǀ!f ǁƧĜdžη!f Ĭdžǂơdž! ƫǀƪ Ŏk!f Ƹ!Ĝǀdž!Ĝǀ Ĭǀ!ĜƱdž!Ĝǀ ǁƧĜdžη!f DžĜƵ ŎƵþdž ǀþĂĜzdž

ĬηƧþ!f ƘƨĜơ Ŏk!f DžĜǂơǕf ĬŏηơǀΣĜƪdž Ǉdž ǁ!Ʀ Ŏ5 Ĝdž! ǇĂǉĜǀ!f Ǉdž ΣĜƪ Ĭ!ǫ þǉkƪk Ű ĜǋþƧ ư

ýùơdž!fĂ DžĂƬùƤ!f þĜùơkŰ ƘĜùǉŏǀ!f ǇĂǉĜùp Ǉdž (1/41) ǀþĜdž!f Ŏ5 þĂƬǀdž!f Ĭǉzdž!Ĝǀ ĬŏzƱǀ!f

.⁽¹⁾"Ɣǀƪ!fĂ

ǇùdžǀŎǉþdž!f ĈĜưǀ!f ĜǌǀƱ Ǌŏ5 DžĂǂơdž!f ĈŎƬ!f Ĭŏηơ ĬǉŏƧp ǇǇ ƫĜƪ!f Džǂơ!f Ǉdž Ʊơǚǉ5

ǀþĜùdž!f ƒùǉ Ĭù!Ƶ ǯþĜǉkùƪf ŎǉĂǉĜp ΣĜƪ Ĭ!Ƶ ƨŏŏdžk!f Ĭdžǂơdž ŎǋĂ Ĭŏǉþdž Ĭdžǂơdž Ĭ!ƵǇ ýǚƤ

ĬùǉŏƧǀ!f ǉƦùǋ ƫŏǀƱk ƱĂƧƬ Ŏƒƒþǀ!f ŎFĜưǀ!f Džǂơ!f Ŏ5 ƘƧ5Ăk ĭŏơ ƘĜǉŏǀ!f ǇĂǉĜp Ǉdž (1/41)

.Ɣǀƪ!fĂ ýơdž!f þĜơkf Ĭ!ǫ Ĭ5ĜưŰĜǀ DžĂƬƤ!f þĜơkf Ŏ5 Ĭ!ǀdžkdž!fĂ

ƨFĜùơ!f Džùǂơ!f ǇǇ ĭŏơ Ŏưǀdž!f ƧdžǕf ǀĂp ǇƵ Ǌŏ5 DžĂǂơdž!f ĈŎƬ!f Ĭŏηơ ƻ!kƤkĂ fƦǋ

ǇùƵ ƧùƱǉ!f Ʊƺǀ ǉƧĂþƬ þƧηdžǀ Ĭŏηơ!f ǉƦǋ Ɣƪkǂf þp ǇĂǂŏ Ǌŏ5 DžĂǂơdž!f ĈŎƬ!f Ĭŏηơ Ĭ!Ƶ

Ŏ5 ǇĂǂŏ Ŏưǀdž!f ƧdžǕf ǀĂp Ĭ!Ƶ ƨFĜơ!f Džǂơ!f ĜdžǉŏǀŰĬŏþĜz!f ƧŏƸĂ ĬŏþĜz!f ƫƧƱ!Ĝǀ ǇzƱ! ǊkŏǀĜp

ǇĜùǂ ǇǫĂ Ĭŏ þĜz!f ƫƧƱ!f Ǉdž ƫŏƧƱ ĭdžǀ ǇzƱ! ýǀĜp Ƨŏƺ Ĭǉzdžǀ ŰǆŏFĜǌǉ Ʊǀ ƬǇ ĭŏơ Ĭ!ƵǇ ĬǀkƧdž

Ü(9 Ü8 Ü7)Ɣ ÜǇŏŏǉþƧǕf Ǉŏdž Ĝơdž!f ĬǀĜǀǉ Ĭǀηdž Ü2008/2/24 ǫŏƧĜk (2007/234) DžpƧ ƧfƧp ÜƫĂǀơ ƨŏŏdžk (1)
.1152 f Ü2009

.ǊkǚŏþzkĂ 1952 Ĭǉƪ! (30) DžpƧ ŎǉþƧǕf ƘĜǉŏǀ!f ǇĂǉĜp Ǉdž (1/41) ǀþĜdž!f f ǉ ƧƱǉf

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[illegible]

[illegible] [1]

[illegible] (26/[illegible]) [illegible] (12) 1992 [illegible]

[illegible]

[illegible]

[illegible] [2]

[illegible]:

[illegible]

[illegible] [3]

[illegible]

[illegible] 1946/10/19 [illegible]

[illegible]

[illegible] (98) [illegible]

[illegible] (47) 1978 [illegible] [4] [illegible]

[illegible]:

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(1) [illegible] 162 [illegible]
[illegible] 60 [illegible]

(2) [illegible] (12) 1992 [illegible] (26/[illegible]).

(3) [illegible] 1994 [illegible] 369.

(4) [illegible] (47) 1978 [illegible] (115) 1983 [illegible]

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[illegible] 1- ...."

[illegible] .... [illegible]

[illegible]

[illegible].

2- [illegible]

[illegible] .... [illegible]

[illegible]

[illegible]

[illegible] ([illegible]) [illegible]

[illegible] ..... [illegible]

[illegible]

[illegible]

.[1]"[illegible]

[illegible]

[illegible]

[illegible]

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(1) [illegible] (1940) [illegible] 38) [illegible] 1994/4/19. [illegible] (26583) [illegible] 54) [illegible] 2012/6/2.

[illegible] (1621) [illegible] 37) [illegible] 1994/11/29. [illegible] (921) [illegible] 49) [illegible] 2007/2/17.

Ǵùnjƶhǩö Ŏķ!ƒ lƧƒþŰƒ Ơ!ǴƬ! lƧƧlďž ƚljöƧl!ƒ ljŖNj ƧhǩƶķĂ .[1]NJhöʓķ ƔǴhƪD ýĂơ lƧƒþŰƒ NJh yǴjpD ƺƧŖƵ

NJķƧhǩƵƒĂ ƸUĂďž!ƒ ƽơh ƚljöƧl!ƒ ljŖNj ƘďžþƤķƪƒ lƧƒþŰƒ ƘþƒƧD ƒŖƎ5 NJƪƽlj ƸUĂďž!ƒ Ơ!ǴƬ! ƸUĂďž!ƒ

.Ŏďžƪ Ƨ LJŖƍ LJĂþh ýďžƶ!ƒ LJƵ NJƵǴƱlljƒ Ɣhƪh ǶöhöþƋķ NJķ!ǷǴƪďžh ǴnjLjöơ DžĂlķ ǴnjďžþƤķƪķ Dž! ƒŖƍĂ ǕölķƪďžƵ

ƚöljþďž!ƒ ƚďžþƤ!ƒ DžǴUlj LJďž (167) lþǴďž!ƒ Ŏ5 ƚljöƧl!ƒ ljŖNj ĬǐƵ ƒ lj þl5 ŎljþƧŰƒ YƧTďž!ƒ ǴďžD

.[2]NJķǕöþƶķĂ 2013 ƚljƪ! (82) DžpƧ ŎljþƧŰƒ

ƣöƧǴķ LJďž DžĂö (30) ýǕƤ Ǵnj!Ăhlh ĭƧƒþƍ ƧƒƧp ƧþƬö Dž!Ă NJķ!Ǵlķƪƒ ƸUĂďž!ƒ Džþp Ǵďž Ĭķďž5

Ĭùǐ Ƶ ƚùljöƧp ƧhǩƶöƚǴlķƪŰƒ ƔǐƱ ĬǐƵ þƧ!ƒ DžþƵĂ ǶljďžƯ ƚƯĂ5Ƨďž ƚ!Ǵlķƪ Űƒ ǴljNj ƧhǩƶķʒǴnjďžöþlķ

.[3]Ǵnj Ư5Ƨ

Ư ù5Ƨ ƚùhǴÂďžh ĂNj ƚ!ǴlķƪŰƒ ĬǐƵ þƧ!ƒ DžþƵ ƧhǩƵƒ ŎljþƧŰƒ YƧTďž!ƒ LJD ýĂl!ƒ ƚƬǕƤĂ

ƺþùpǴ5 Ƨùhǩƶö NJùljŰ NJùljƵ ƔùöʓķDžþƵĂ NJǐďžƵ Ŏ5 ƧƒƧďžķƪŰƒ ƸUĂďž!ƒ ĬǐƵĂ ƚ!ǴlķƪǕ! Ŏljďž Ư

ĭŖù!ƒĂ ĭƧƬùďž!ƒ YƧTùďž!ƒ Ʃƚƶh ƚǐƬķďž DžǴöD lƧTƵ lþďž ýďžƶ!ƒ LJƵ Ɣöʓķ!ƒ ƧďžķƪƒƒŖƍ NJķƽöUĂ!

ŖùƤďžö Dž! ƧƤƈ ĬljƶďžhÜƚ!ǴlķƪǕ! Ŏljďž Ư ýĂhp ĂNj ƚljöƶďž lþďž ýǕƤ ƚ!ǴlķƪŰƒ ĬǐƵ þƧ!ƒ DžþƵ ƧhǩƵƒ

lþùďž Ŏ Ưùďž ƧhǩƵƒĂ ǶďžƑƒþ ƚơöƧƬ ƚ!ǴlķƪŰƒ ýƶƞ ýh ƚöljďžƯ!ƒ ƚ!ǴlķƪŰƒ lƧƚƽh ŎljþƧŰƒ YƧTďž!ƒ

ĭŖù!ƒĂ ĭƧƬùďž!ƒ YƧTùďž!ƒ Ʃƚƶh ǴnjƯ5Ƨh ǶöljďžƯ ƺƧƒƧp ƚ!ǴlķƪŰƒ ƔǐƱ Džöþlķ ƣöƧǴķ LJďž ƚljöƶďž

ƺƧƒƧùp ĂùNj ƠöƧùƬ ýƚTh ǴnjöǐƵ ƚhǴƞŰƒ LJĂþ ƚ!ǴlķƪŰƒ Džöþlķ ƣöƧǴķ LJďž ƚljöƶďž lþďž Ŏ Ưďž ƧhǩƵƒ

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(1) ǴďžĂ ŬƪĂ ÜĬƪĂďž ÛLJöþ!ƒ ýǴďžƚ þďžơD Üƪ ĭƪĂďž hǐþƯďž lƒǴķŰƐ Ĭƺ ljƒǴķŰƐ ĬƺŊƒþĂƪŰƐ ÜĂþƐƣŰƐ DžNjďžƑ ĬƺŌ ƒ 157 ǴďžĂ ǴNjþƶh.

(2) ƧUljD ǴǴUlj ƚďžþƤ!ƒ ƚöljþďž!ƒ ƚöþƞ!ƒ ƧþǴƬ!ƒ ƣöƧǴķh 2013/12/22 Ƙơķ ǷpƧ (82) ƚljƪ! 2013 ĂǴķùďž ýöþùƶķ 151) þƒĂùďž!ƒ LJùďž Ůþh .ƚ!ǴlķƪǕ! ƚďžUljďž!ƒ ŎNj (167) lþǴďž!ƒ ƘơhƬD ƚöơ ƚ!ǴlķƪŰǴh ƚƬǴƤ!ƒ þƒĂďž!ƒ DžǴpƧD (152Ă Ŏ5 DžǴUlj!ƒ ƽhǴƪ!ƒ DžpƧ (30) ƚljƪ! 2007 ĂǴķùďž ýöþƶķ.

(3) ƧUljƒ lþǴďž!ƒ (167) LJďž DžǴUlj ƚďžþƤ!ƒ ƚöljþďž!ƒ ƚöþƞ!ƒ DžpƧ (82) ƚljƪ! 2013. Ă lþǴďž!ƒ (151) LJďž DžǴUlj ƚďžþƤ!ƒ ƚöljþďž!ƒ DžpƧ (30) ƚljƪ! 2007.

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ƒŘùnjƄ ĭƧƬùdž!ƒ ƳƧƬùdž!ƒ ĂŘùơ ĂŘùơŏ ǈƉ ŎùǉƥƧǕƒ ƳƧƬdž!ƒ ǏǉƵ ƟƧǨǉǉĂ .[1]Ǵnj!ĂƄǉƄ ǼŏǉǆdžƯ

Ŏù5 Ǵùŏǉƶ!ƒ ýƥƶ!ƒ Ƚdžƚơdž ǅǴƯp Ŏ5 ǅǴƞ ƥpĂ ǛǸǉdžƶ! ǉƥĂƶ!ƒ ȽƬƧ5 ƻƱĂdž!ƒ ǅǴƱƵǗ ƒ ĂƬƤ!ƒ

Ŏù5 Ƚ!ǴǉǨƪǗƒ ȽƯŏƧƵ ƥĂƞĂ ǅƥƵ ǈƍ ...." Ǵnj!Ăp Ƚ!ǴǉǨƪǗƒ Ǐ!ƍ ƧŏƬǨ Ŏǩ!ƒ ȽŏǉĂǉǴǉ!ƒ ǈƑƒƧǉ!ƒ ýǴƞdž

ȽùdžƥƤ!ƒ ǅǴùnjǨǉƒ ƥùŏƼǩ ǈƑƒƧùp ǁǴǉǋ ǈƉ ǅƒƥ Ǵdž ǼƑŏƬ ƴƯĂ!ƒ ǏǉƵ ƧƛƋŏ Ǘ ŎƵƥǨƪdž!ƒ ȽdžƥƤ ƻǉdž

.[2]"Ƚ!ǴǉǨƪǗǴƄ

ƹùŏǉƄǨ ǈƉ Ǘƍ Ƚ!ǴǉǨƪǗƒ ǅǴƵƥǨƪƒ ƥĂƞĂ ǈƉdž ǅƸƧ!ǴƄ ǋǉƉ" Ʀ!Ǵǉ5 Ƚdžƚơdžǉ! ƧƤǅ ǅƚơ Ŏ5 ǅǴƞĂ

ǁùǉǨ ƥĂùƞĂ Ǐùǉƶ ȽùǉŏƧpĂ ƧƒƧǉ!ƒ ǁ!Ř! ǼǉǴƵƍ ýƚƬŏ ǋƄ ǈƶƱŏ ǈƉ ǈĂƥ ƧƒƧǉ!Ǵƙ ǈƋƬ!ƒ ƔơǴƬ

.[3]"ȽŏƥƵǴǨ!ƒ ǋpĂǉơ ǈdž ǁ!Ř! Ǽƶƙǩ ƻƱĂdž!ƒ ǅƧơŏĂ Ƚ!ǴǉǨƪǗƒ

ǈĂǉǴp ǈdž (20) ǉƥǴdž!ƒ Ŏ5 Ǵdžƚ ȽŏǉdžƯ!ƒ Ƚ!ǴǉǨƪǗƒ ȽǉŏƧp ǏǉƵ ƘǴƶŏƧƬǨ!ƒ Ưƶƙ ƘƬǉ ƥpĂ

ȽùǉŏƧǉ!ƒ ǉŘnj! Ǵŏǉƶ!ƒ ýƥƶ!ƒ Ƚdžƚơdž ƘƧǴƬƉ Ƚŏơ 1986 Ƚǉƪ! (22) ǅpƧ ƔƒĂǉ!ƒ Ʃǉƞdž! ƘǴƙǴƤǨǉǗƒ

ǈƉ ȽùĂƧǉ!ƒĂ ȽùŏƥǉƄ!ƒ Ʃ!Ǵƞdž!ƒ ǅǴƪƋƧĂ Ƚŏ!Ăƥ!ƒ ƘǴƑŏnj!ƒ ŎƱĂdž! ƨĂƞŏ Ǘ ǋǉƋƄ" Ǵnj!ĂǉƄ Ǵnj! ǅƚơƄ

ýpǕƒ ǏǉƵ ƧnjƬ ýƄp ǅnjƱƑǴƱĂ ǈdž ǅnjǨǕǴǉǨƪƒ ƒĂdžƥp ƒŘ Ǘƍ ƔƒĂǉ!ƒ Ʃǉƞdž ȽŏĂƯƶ! ǅnjƪƱǉƉ ƒĂơƬƧǼ

Ƚù!ĂǉǉƋƤ ƥùƶǨĂ ǴnjƯ5Ƨ ĂƉ Ƚ!ǴǉǨƪǗƒ ýĂƄp Ƚŏdžƪ!ƒ Ƚǉƞǉ!Ă ƘǴƙǴƤǨǉǗƒ ǅƒƧƞǗ ƥƥơdž!ƒ ƣŏƧǴǨ!ƒ ǈĂǉ

ǈĂǉǴùp ǈdž (20) ǉƥǴdž! Ǽ5Ă ǴnjdžŏƥǉǨ ƣŏƧǴǨ ǈdž ǅǴŏǉ ǉƧƬƵ ýǕƤ ǴnjǉǋƬƄ ƧƒƧǉ!ƒ ƧƥƬŏ ǅ! ƒŘ Ǽdžƚơ

.[4]"1986 Ƚǉƪ! (22) ǅpƧ ƔƒĂǉ!ƒ Ʃǉƞdž! ƘǴƙǴƤǨǉǗƒ

ýǴùdžƚ ƥùdžơƉ ǛǏƪĂdž .184 Ǜ183 ƒ ǛƨƄǴƪ!ƒ ƴƞƧdž!ƒ ǛăƥǉǕǛ ƃƑƬƨǉǉ ƄƳǈƻǈƥǕƧǴƱƤ ŎǉƵ ǛĭĂǴǉƱƬ (1)

.ǴǈƥƶƄ ǴdžĂ157 ƒ ƨƄǴƪ ƴƞƧdž ǛăƥǉǕǛ ǅǈdžƑƨǉǉ Ǐƺ ǉƑǴǨǕǛ ƄĭƥƯdžǕǈŏƥ!ƒ

.131 ƒ Ǜ1976 ǅǴƵ ǛƉǅƉƑƟƉǉǉ ƄǴƑƨdž ƄƚǉǉƉ Ǜ(75/62) ǅpƧ ƧƒƧp ǛǴǉǉƵ ýƥƵ (2)

.2828 ƒ ǛƉǅƉƑƟƉǉǉ ƄǴƑƨdž ƄƚǉǉƉ Ǜ(78/17) ǅpƧ ƧƒƧp ǛǴǉǉƵ ýƥƵ (3)

.964 ƒ Ǜ1982 ǛƉǅƉƑƟƉǉǉ ƄǴƑƨdž ƄƚǉǉƉ Ǜ(81/133) ǅpƧ ƧƒƧp ǛǴǉǉƵ ýƥƵ

.577 ƒ Ǜ1999 Ǜ4Ă 3Y ǛƉǅƉƑƟƉǉǉ ƄǴƑƨdž ƄƚǉǉƉ Ǜ(97/455) ǅpƧ ƧƒƧp ǛǴǉǉƵ ýƥƵ (4)

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[illegible] .[1] [illegible]

[illegible]

(1) [illegible] (95/123) [illegible] 1996 [illegible] 718.
[illegible] (2009/377) [illegible] 2011 [illegible] 497.

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ĬdžƑkǁɛ ƘƟƓDžǁɛ

ǊĭəƑƮʂǁɛ DžəɛɓʂǁɛͿ

ƘƓùǊƛŰƒ ƇƔƵ ƇƓǃǫ ĬǃƵ ýdžƶƙ Ɨǒơ Ơǒơ Ʈǃƒ ĬǈƶdžǃƓǊ ƘƓǊƛǫ ƗǃɓƉ ƗǒƑƓưǃƒ ǇƑƒƧǃƒ ƧǊƙƶƙ

ǇƑƒƧùǃƒ ƒ űƤƙùƪƒ ƗǒǃdžƵ Ǒ5 DžǌdžƧĂɓǊ ƓǈǋǑưƓǃƒ DžĂǃǒĂ ÜƧƤŬƒ ƻƧƱǃƒ ĬǃƵ ƘƿƋdž ýƗƮǊĂ

.[1]ƗǒƑƓưǃƒ

.[2]"ƗdžĂǃƶdž ƧĂdžƉ ǇDž ƗǃĂǌƞdž ƧĂdžŰ ǑưƓǃƒ ƱƓǊǈƙƪƒ" ƓǌǈǇǊ ƗǒƑƓưǃƒ ƗǈǒƧǃƒ ƻƦƶƙĂ

ƗǒưùǃƒƻĂƧùƲ ǇùdžƓǌƮùǃƤƙƪǒ ǑùưƓǃƒ ƧǒɓùǃƙǃǁƧùƙƙ Ǒƙǃƒ ǇƑƒƧǃƒ" ƓǌǈǇǊ ĂƉ

.[3]"ƓǌƙƓƪǊűdžĂ

ƗǒƑƓưùǃƒ ǇƑƒƧùǃƒ ĬǃƵ ǑƪǈƧƺǃƒ ǑǈɓdžǃƒǇĂǈƓǃƒ ǇDž (1353) ǈɓƓdžǃƒ ƘƮǈ :ƑƨdžɓƷ ĬƷ

ƗùǒĂƿ ǇƑƒƧùƿ ǋǒɓǃ ƘƧ5ƒĂƙ ƒƦǫ Ůǫ ƓǌǊ ƦƤƋǒ ŮƉ ǋǒǃƵ ǇǒƶƙǑ ĭƦǃƒ ǑưƓǃƒ ƧƦơĂ ƇƓƗƦǃ ǁƧƙƘ ƓǌǈǇǊ

.[4]ƗǈǒǊǃƓǊ ƘƓǊƛŰƒ ƓǌǒǑ5 ƨĂƞǒ Ǒƙǃƒ ýƒĂơŰƒ Ǒ5 Ůǫ ƓǌǊ ƘƓǊƛŰƒ ýǊǃǒ ŮĂ ƗǃǊƓƱƙdžĂ ƗdžƗơdžĂ

1968ƗǈƪǃƒǇ (25)DžƿƧ ĭƧƮdžǃƒ ƘƓǊƛŰƒ ǇĂǈǈƿ ǇDž (100) ǈɓƓdžǃƒ ƘƮǈ ɓǃ5 :ɓƬDž ĬƷ ƑDžƇ

ǈƦùǌǊ ƘƓùǊƛŰƒ ƨĂùƞǒ ŮĂ .ǇĂǈƓǃƒ ƓǋƧƧǃǒ Džǃ ƗǈǒƧƿ ýƗ ƱƓǊǈƙƪƒ ǑưƓǃƒ Ƨǒɓǃƙǃ ǁƧƙǒ" ǇƉ ĬǃƵ

.[5]"ɓĂǌƮǃƒ ǈɓƓǌƮǊ ƘƓǊƛŰƒ ƓǌǒǑ5 ƨĂƞǒ Ǒƙǃƒ ýƒĂơŰƒ Ǒ5 Ůǫ ǇƑƒƧǃƒ

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(1) ƒǃƗǃǒƓƓưƵ Ü ƓǃƓǈƓǊ Ü DžəɛɓʂǁɛƝǋƗƭƜƟǊ ƷĬ ƐƒƓƙŰɛ ƇDžƑ! ƮƑƁ DžƛǃDžǊ ǫǫǃɛ ǫǫǃɛ ƑĭƞǃǃɛƓƓƤŬɛ ǓǊƨĭǫƓǊƜ ýƞǫƨƓDž ƪƓùǊ ʂƓ Ü
148 ƒ. ƬƱƓĂĭǉ Ü ǑǃƵ ƤƱƓƧ Ü DžəɛɓʂǁɛƮƑəĭǊ ƓƒƓƗƙ ƜƓǃ ƐǒƔǫƙƒĭǊ ɓɛɓʂǁɛ ǋǇøƓǈǉ ǋǋDžǃǈǇǋ
.139 ƒ Ü2003 DžƓƵ ÜƧƮƵ ǇDžƓƓǃƒ ɓɓƶǃƒ ÜDžǈǃƒƑʂǁɛǋǋ ǊƴĭɓǊǃɛ

(2) ǈƮƓƘ ÜɓdžơƉ ÜƗƑƓƙŰɛ Ü ƴƞƧdž Ü ƪƓǊ ʂƓ Ü ɓǈǊ 612 Ü1997 Ü ƒ .746

(3) ƒǃǈǋǃĂƧ ĭ Ü ƵǊɓƧǃƒƨ ƒ Ü ǈǋǃƨ ǊĭƷ ƷƤ ƑǋƑƓǃǉdžƘƓ ǋdžǃƓĬ ǋǃǃĭǫǃǫ Ü ƴƞƧdž ƪƓǊ ʂƓ Ü1956 Ü ƒ .329

(4) DžĂǃƓĬ Ü ƒơdžƉ ƗdžƓý ƒǃɓǃǇ Ü ǊdžɓĭǊ ƗǃƓƑƙŰɛ ƷĬ ƗǒƓǃǃƨƓƉ ƗǒƑƓưǃɓƐĂ Ü ƴƞƧdž ƪƓǊ ʂƓ Ü ƒ .401

(5) ƒǃǃƲƧ ǇĂǈǈƿ ƘƓǊƛŰƒ Ǒ5 ƒƓƓdžǃƒɓ ƗǃƓƓdžǃƒ ƗǈƓǈƙƒƧƗ ƗǒƑƓưǃ ƧĭƧƿ DžƿƧ (25) ƗǈƪǃƒƗ 1968 ĂƙƶɓǒűƙǉǊ.

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(1/43) [illegible] 1952 [illegible] (30)[illegible]

[illegible]

.(1)"[illegible]

[illegible]

.(2)[illegible]

[illegible]

.(3)[illegible]

[illegible]

[illegible]

(1) [illegible] (1/43) [illegible] (30) [illegible] 1952 [illegible].

(2) [illegible] 139.

(3) [illegible] 1988 [illegible] 489.

[illegible] 144.

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[illegible]

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(1) [illegible] .148

ΘƒƧùƬ Ư ùƶƅ ăƧùǒ ƧĂǆǕƒ Ưƶƅ ǁǤǈǌ ǇǇ Ǖǫ ƘǤƅƛǗƒ ƚǒǁǆƵ Ǒ5 ǤǌǨǆǒƥ ƚǒơ ǇǆƘƒƧǤǆǗƒĂ

:ǑǊ ƧĂǆǕƒ ǉǞǊĂ ƘƒƧǤǆǕƒĂ ýƑǛƥ!ƒ ǁǨ ƒ ǘƤǨƪƒ ƥǉƵ Ǥǌ!ǤǆƵǫ ǇǆǏƞƧǒ ǉƥƑǤ5 ǇǇ (1)ǇĂǉǤl!ƒ

1. ǇǇ ǇĂǂǨ ǁǨ ýƑǛƥ!ƒ ƚǨǤƛ ǉƥǂƋǆĂ.

2. ƔƞǒǇǇ ǇĂǂǨ ýƑǛƥ!ƒ ƚǒlǒlơ ƧǒƺĂ ƚƶǉƱƮǆ.

3. ƥǒƥơǨ ýƑǛƥ!ƒĂ ƴƑǤƥĂ!ƒĂ ýǂƬƅ ƽǒƥƥ.

4. ǇǇ ǇĂǂǒ ǁǤǈǌ ƚƥǘƵ ǇǆǒƅƚƶƥƒĂ!ƒ ƚǆĂǁƶǆ!ƒ ƚƶƥƒĂ!ƒĂ ƚ!Ăǌƞǆ!ƒ.

5. ýưƽǒ ǇǇ ǇĂǂǨ ǁǨ ƴƑǤƥĂ!ƒ ǇǆưƴƑǤƥĂ ăĂƵƥ!ƒ Σǒ!Ă ǇǆǤǌƞƧǤƤ.

6. ǇǇ ǇĂǂǨ ǁǨ ýƑǛƥ!ƒĂ ƴƑǤƥĂ!ƒĂ ǉƧǒƛǆ ƻƬǂǁ! ǇƵ ƚƶƥƒĂ!ƒ ƚ!Ăǌƞǆ!ƒ.

ăǊǆƴǄǁƐ ǄǁƥǁƐ :ƑǏǆƑǨ

ĂǊĂ ƚǒǁǆƵ ƱǤƅǇǨƪǕ ǋǨƧƅƤĂ ǋǨǇƱ5Ă ǊƑǤǂǞ ǏǁƵ ǯƥǤǆǨƵƒ Ǒư ǤƖ!ƒ Ǥǌƅ ǄĂlǒ Ǒǩ!ƒ ƱǤƅǇǨƪǕƒ ƚǒǁǆƵ

ǇĂǉǤùl!ƒ ΘƒƧƬ Ư ƶƅ ǋǒǁƵ ƽǁƱǄĂ Ǖlƥƥơǆ ƚƞǒǨǉ Ǐ!ǫ ýƮĂǨ!ƒĂ ǄĂǁƶǆ!ƒ ƧǆǕƒ ǇǆýĂǌƞǆ!ƒ ƧǆǕƒ

ǇùǆƱƅǇǨƪùǒ! ƽƱǇǆ!ƒ ƥƵƒĂƥ ǅĂư Ǒ5 ǋǁlƵ Ǒư ǤƖ!ƒ ýǆƶƽ Ǥǌ!ǘƤ Ǉǆ ǑǨ!ƒĂ ƚǒǉǊǞ!ƒ ƚǒǁǆƶ!ƒ ǋǇǆƅ

.(2)ƧƤǂ ýǒ!ƥ ǤǌǒǁƵ ƥƧǒ ǄƵ! ƚ!Ăǌƞǆ ăƧƤǄ ƴƑǤƥĂ ƚǨǤƛ!ƒ ƴƑǤƥĂ!ƒ

Ăùǌ5 ƥǊƒĂƬ!ƒĂ ƘǤǉǒƅ!ƒ ǇƨĂĂ Ƨǒƥlǩ! ƚƶƪƒĂ ƚǒƧǒƥlǨ ƚƱǁƪƅ ǏƧƒƥǕƒ Ǒư ǤƖ!ƒ ƴǨǆǨǒĂ ƒǞǊ

ƧƒƧùl!ƒ ƚǒƵĂƧƬùǆ ǄƥùƵ ƘǤƅƛǫ ƚǒǁǆƵ Ǒ5 Ǒƅƪǉ!ƒ ǤǌǉƨĂ ǤǌǒƱƶǒ ǇǆĂǊĂ ƚǉǒƧl!ƒ ƒ ǁƤǨƪǒ Ǉǆ

(1) ǕǆǘƪǕƒ ǕǇĂǆǆǆ ƐƥƐƥǁǕƐ ǉƐƥƐǂǁǄƐ ǇƵƥƪƚǁƐ ƗǉƥƑƖƅ ǕĂƥƬǄǁƐ ǕƧƫƒ Ƨƒƥ ǕǑƅƧƶ!ƒ ǕǉƧǊǤl!ƒ ǕƱƅƶǀ!ƒ ƚùƶƛĂ!ƒ ǕĂù!Ǐ
ص 1979، 214.

(2) ... ǕǏǁǇƵ ǉƥƐǆǆƐ ǕƵǆ ǉƥƐǌƐǉ ǄǁǇƐ ǉƥǇƐ ǂǆǇ ƔƪƪǉƐ ǕƚǁƶƥǁƐ ǕǇĂ ǉƥǁ ǕƧƒƥ ǕƚƱƱ ǕǉƧǊǤl!ƒ ǕǑƅƧƶ!ƒ ƚùƶƛĂ!ƒ ǕĂù!Ǐ
ص 1989، 68.

(2) ǕǉƧƞƧ!ƒ ǕǉǇƐƮǁƐǁ ǕǉƐǆǇǁǁƐ ǉƥǁƒǁƐǆ ǕǇǆƵ ƚǒƵǆƞ ƵǆƵǁǇǆǆ ƴǆǒǇƧǆ!ƒ ǕƚùǒǉƵƞ!ƒ ǕǁǇǇǁƐ ǕǆƐ!ƒ 1994،
ص 210.

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[illegible]

[illegible] .(1)

[illegible]

[illegible] :

1. [illegible] (2/43) [illegible] .(2)

2. [illegible] .(3)

3. [illegible]

(1) [illegible] (90/37) [illegible] 1990/7/8 [illegible] 1990 [illegible] 2411.

(2) [illegible] (30) [illegible] 1952 [illegible].

(3) [illegible] 333.

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[illegible]

[illegible] [1]

4. [illegible]

[illegible]

5. [illegible]

[illegible] [2]

6. [illegible]

7. [illegible]

8. [illegible]

9. [illegible]

(1) [illegible] 1985 [illegible] 604.

(2) [illegible] 156.

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(1) .1128 ...

(2) .894 ،893 ... 1976 ...

(3) ... 1960/4/16 ... 780 ...
.425 ...

(4) ... (96/268) ... 1996/9/29.

(5) ... 22 ... (2) ... 2010 ... .346

[illegible]

(6) [illegible] .(1)

[illegible]

[illegible] .(2) [illegible]

[illegible]

(1) [illegible] (15) [illegible] (94/316) [illegible] 1995/1/28 [illegible] (7) (8) 1995 [illegible] 1732.

(2) [illegible] (97/198) [illegible] (3) (4) 1998 [illegible] 812.

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[illegible]

[illegible] ....".[1]

[illegible] [2]". [illegible]

[illegible] ...."

[illegible]

[illegible] ....[illegible]

[illegible] [3]". [illegible]

[illegible]

(1) [illegible] 5/1963 [illegible] 638 [illegible] 433 [illegible]

(2) [illegible] (7/563) [illegible] 1961/11/11 [illegible] (7) [illegible] 27 [illegible] 1987 [illegible] 764 [illegible]

(3) [illegible] (3726) [illegible] (46 [illegible]) [illegible] 2006/4/13 [illegible] 2007 [illegible] 1139 [illegible]

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[illegible]

[illegible] .(1)

[illegible] .(2)

(1) [illegible] (26) [illegible] (295/311) [illegible] 1992/11/21.

(2) [illegible] (97/219) [illegible] (3) (4 [illegible] 1998 [illegible] 869.

[illegible] (97/315) [illegible] (10) (11 [illegible] 1998 [illegible] 3869.

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[illegible]

[illegible]

[illegible] [1] [illegible]

[illegible] [2]

[illegible] [3]

[illegible]

(1) [illegible] .895

(2) [illegible] .430

(3) [illegible] (817) 1953/5/6 [illegible] (7 [illegible]) 1098 [illegible] .588 [illegible] 1976 [illegible] .907

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[illegible] .(1)"....[illegible]

[illegible] .(2)"[illegible]

[illegible] .(3)" [illegible]

(1) [illegible] .1955/12/8 [illegible] .908 [illegible]

(2) [illegible] (95/42) [illegible] 1997 [illegible] (3) [illegible] .967 [illegible]

(3) [illegible] (94/271) [illegible] (8 [illegible] 7) [illegible] 1996 [illegible] .1594 [illegible]

[illegible] ....."[(1)].

[illegible]

[illegible] [(2)].

[illegible] [(3)] [illegible] [(4)].

[illegible] "[(5)].

[illegible]

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(1) [illegible] (2010/106) [illegible] 2010/7/12 [illegible] .www.qistas.com

(2) [illegible] 1993 [illegible] .269 [illegible] 1989 [illegible] .39

(3) [illegible] 1976 [illegible] .894

(4) [illegible] .426

(5) [illegible] 1959/4/4 [illegible] .1081 [illegible] .427

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[illegible]

[illegible][1].

[illegible]

[illegible][2]"....

[illegible]

[illegible][3]"....

[illegible]

(1) [illegible] 1961/5/13 [illegible] 1049 [illegible]
[illegible] 428.

(2) [illegible] (9118) [illegible] (50 [illegible]) 2007/7/7 [illegible]
[illegible] 2007 [illegible] 4 [illegible] 76.

(3) [illegible] (95/363) [illegible] (3) 1997 [illegible] 1004.

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(1) (93/2) 1993 (10، 11) .1867

(2) (97/411) 1998 (9) .3249

(3) (93/182) 1994 (1، 2، 3) .52

(4) .202

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[illegible][1] [illegible]

[illegible][2]

[illegible]

[illegible][3]

[illegible]

(1) [illegible] 436 – 437.

(2) [illegible] 1976 [illegible] 591.

(3) [illegible] 438

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ǴöǐƶǃƒƗŏƧƒƥŰƒƗďƗơďǃƒƘưƿĂ .[1]"....ŎǈŏǀŏǃƒĐǐƶǃƒƗŏƧƱǉƥŏőƌƥŏƽŏǴďǏǐƵƗďƗơďǃƒǉƦǋČǴưƿ

ǾŏǉƱŮǾŏǈŏǀŏƧƒƧǃǴǈǈƮǃƒƔơǴƮĐǐƵƨǀơǈǋŰƵŰƒĂƧƮǈǃƒĐǴǀďĐĂǀŏĂ ...." ǴǌǃĂǀǈƗŏƧƮďǃƒ

ǈùďǈƮǃƒƔơǴƮǈǂďŏǴďǈƧƒƧǃǃƒƧƮǴǈƵƴŏďƞǃǙďǴƮĐǐƶǃƒǈĂƗŏǈĐǈŏƶǈŏǴďƗǾŏưƒƧƙƒŮĂ

ǈƶƱǃƒŎǈǈŏƧƱǁǃƦǏưǈďǏǐƵƥƥơŏǈĐƴŏƱǈƮŏĂƧƒƧǃǃƒƒƦǌǃƗǈƮǈǃǴǈŎǈĂǈǴǃǃƒǉƨƗƧďƥŏƥơ

.[2]"....ČǴƺǃŰƒăĂƵƥƥǴƶŏďǈǴŏƧƮČƥǈŎǈǈƧƛǋǈǈďǃƒĐǐƶǃƒƥǀǈǁǃƦƸǐƤƒƦǈǈ

ŎƮùǈƧƼǃƒƗùǃĂƥǃƒƩùǐƞďǈŏǐƵƧǴƮǏƦǃƒǋǌǈǃƒƩƼǈǏǐƵǴöǐƶǃƒƴƥƶǃƒƗďƗơďƘƧǴƮĂ

ĐƥǈŏŮ"ƘǃǴǈǴǌďǴƗơĐƥơƒŎǈƘưƿƗŏơŎǈŏǀŏǃƒĐǐƶǃƒƗŏƧƱǈƘƦƤĂǏƧƮďǃƒƗǃĂƥǃƒƩǐƞďĂ

ƒƦǈǈǈŏǐƵĂǈŏƶƱǃƒƧƒƧǀǐǃǈƵǴƱǃƒƸŏǐǈơǐŏƧǴƥƶǈŮǫČǴƺǃŰƒăĂƵƥŎǈǈǴŏƧƮǃƒŎǈǈƶƱǃƒƥǴƶŏď

ơŏƧǴǈďǾŏǈŏǀŏǾďǐƵǴďǌǈǴŏĂƙơďĂǈŏǈŏƶƱǃƒǈŏƧƒƧǃǃƒăĂơƼǈƗŏƵƥƙƮďǃƒĐǐƵƘǈƛƙƗǈŏǈƗŏĐƥƧƙĐǃ

ƥùơǃƒƗùǃǴƗĂǃƒơŏƧǴƙƧǈƙƶŏƼăĂƵƥǃƒǴǌǈƞĂďǈƘďŏƿŮŎƙǃƒƗƮǴƤǃƒƗǃǴƗĂǃƒơŏƧǴƙČǴǈƛƙƮǴǈǈŏƶď

ǀƥùďǃƒǈďùưƗùďƥǀďǁǃƦùǈăĂƵƥǃƒǈĂƗƙĂǴďǌǈǈĂƶƱďǃƒǈŏƧƒƧǃǴǈƗŏƵƥƙƮďǃƒĐǐƶǃǈǀŏƙďǃƒ

.[3]"ƗŏǈĂǈǴǀǃƒ

ǋùƛƥơƘǏǃƒƧƛŰƒƧŏƥǀƙĂǴǌďǴŏƿĐƥƵĂĐƗǈŏƧǃǃƒǉƦǋĐǴŏƿǈďƨǀơƙŏǈĐǏƧƒƥŰƒČǴưǀǃĂ

ǈĐ ...." ƒĂƮùƤǃƒƒƦùǌǈƗďƗơďǃƒƩƼǈǃĐƗơŎǈČǴƞƥƿƴǴơǃƒƻĂƧƱĂƨƒƧĂŰƒƴŭƤǈď

ƗùǈŏƶďƘǴùǈƛƗǐŏƮĂǈǁǃƦŎǈƥŏǀƙǃǈĂƥǋǃĂƮơƥŏƼƙƗǈŏƧƿĂĐƗƶƿĂƗŏĐǈďƘǈƛŏŎǈŏǀŏǃƒĐǐƶǃƒ

.[4]"....ƗǈŏƧǃǃƒǉƦǋĐǴŏƿĐƥƵĂĐĐǴŏƿǈďƨǀơƙǃƒƗŏǈĂǈǴǀǃƒǋƙǈǴƿƧƴǴďƵǫŎǈČǴưǀǃĂ

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(1) ƗŏƧƒƥǫ ǴöǐƵ ƗŏƧƮď ơŏƧǴƙ Ü1962/4/14 ƗǈƮǴƮǃƒ ƗǈƮǃƒ Üƨƶǈǈǃƒ .601 ƒ ǉƨƗƦ ǈĂƮďǃ ǾŏƧǋ ƥďŏơĐ Ůƥǃŏǃƒ ƴďǴƗ ǈƥƥǈƿǃ
.439 ƒ Üƨǈǈƴ ǋƞƧď ÜăƥƐǫÜƐ ĐǌǈǋƒƨǁƐ ǏƺǀƑǴǁŰƐ

(2) ƗŏƧƒƥǫ ǴöǐƵ ƗŏƧƮď ƶǈƱ (9439) Ü(ƨ 49) ƗǈƮǃ Ü2007/3/24 ƗùƵĂďǌď ƎƥǴùǈďǃƒ Ŏùǁǃƒ
.193 ƒ ÜŎǈǴǈǃƒ ƥǃǌďǃƒ Ü3Ɯ Ü2007 ÜǴöǐƶǃƒ ƗŏƧƒƥŰƒ ƗďƗơďǃƒ ǴǌǁƧƧƿ

(3) ƴƥƵ ǴǐƵ ƧƒƧƿ Ü(94/386) ƿƗƐ ƗƗƐƞƔ ƧǃƬƐƏ ƐƐƨƦƑƨ Y(7Ü 8)Ü 1995Ü ƒ 1868.

(4) ƴƥƵ ǴǐƵ ƧƒƧƿ Ü(93/182) ƿƗƐ ƗƗƐƞƔ ƧǃƬƐƏ ƐƐƨƦƑƨ Y(1Ü 2Ü 3)Ü 1994Ü ƒ 52.

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[illegible]

[illegible]

[illegible]

[illegible] .[1]" [illegible]

.... [illegible]

[illegible] 2009/2/4 [illegible]

[illegible] 2009/4/29 [illegible]

[illegible] (1992 [illegible] 12) [illegible] (12/[illegible]) [illegible]

.[2]"..... [illegible]

[illegible]

[3]: [illegible]

1. [illegible].

2. [illegible].

3. [illegible]

[illegible].

[illegible] ([illegible]) [illegible]

[illegible]

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(1) [illegible] (97/264) [illegible] (3) (4) 1998 [illegible] 872.

(2) [illegible] (2009/178) [illegible] (7) (8) 9) 2010 [illegible] 982.

(3) [illegible] 202 [illegible] 203.

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[illegible] (1) [illegible]

[illegible]

[illegible]

(2) [illegible]

[illegible]

(3) [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

(4) [illegible]

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(1) [illegible] 587‍-591.

(2) [illegible] 442.

(3) [illegible] 678.

(4) [illegible] 443، 444.

[illegible]

[illegible] .(1)

[illegible] (1971 [illegible]) [illegible]

(172) [illegible]

[illegible] 1972 [illegible] (47) [illegible]

[illegible]

.(2)[illegible]

[illegible]

(1) [illegible]
.207 [illegible]

(2) [illegible] 1973 [illegible] .98 [illegible]
.445 [illegible] 444 [illegible]

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[illegible] .(1)[illegible]

[illegible] ...." [illegible]

[illegible]

[illegible]

[illegible] ... [illegible] ... [illegible]

[illegible]

.(2)"....[illegible]

[illegible]

[illegible]"

[illegible]

[illegible]

[illegible]

[illegible] ([illegible]) [illegible]

[illegible] ([illegible]) [illegible] ([illegible])

[illegible]

[illegible] ([illegible]) [illegible]

.(3)"[illegible]

(1) [illegible] 54.

(2) [illegible] (11875) [illegible] (47) [illegible] 2007/1/6 [illegible]
[illegible] 2007 [illegible] 308 [illegible].

(3) [illegible] (11) [illegible] (992/155) [illegible] 1992/10/28.

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[illegible]

[illegible] (1)

[illegible] (1) [illegible] (25) [illegible] (994/182) [illegible] 1994/11/16.

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[illegible] [1]

[illegible]

[illegible] -1 [illegible]

[illegible] -2 [illegible]

[illegible] [2]

[illegible]

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(1) [illegible] 464-454 [illegible]

(2) [illegible] (2012/320) [illegible] 2012/6/25 [illegible] (3 [illegible] 2 [illegible] 1) [illegible] 2013 [illegible] 199.

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ǅǜƼƙƪǜǆ ǐƧƒƥǗƒ ǄǴư ǃ!ƒ ǇǍǈǤ ƳǍƧƬǆ ǇǒǆưƘ ǑǈƥƧǕƒ ƳƧƬǆ!ƒ ǏǀƷ ƚơǤ!ƒ ƟƧƙǀǒǍ

ǤǜǌǈǆǍ ǄǤǜƷ ýǂƬǜƼ ƚǒƧƒƥǗƒ ƘǤƷƨǈǆ!ƒ ƧƱǈ ƒ ƙƤǆ!ƒ ǍǋǊ ǐƧƒƥǗƒ ǄǴư ǃ!ƒ ýƶƞ ǘƮǤƤ ǘƮǉ

.ǑƪǈƧƽ!ƒǍ ǐƧƮǆ!ƒ ǐƧƒƥǗƒ ǄǴư ǃ!ǤƼ ǺǍƪǅ ƚǒƥǤǆ!ƒ ǤǌǃǤǆƷǅ ǇƷ ǀƧƒƥǗƒ ƚǒ!ǍƌƪǆƘǤƷƨǈǆ

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ƘǁƑƙǁƐ üƬƻǁƐ

ăþƐƣǕƐ ƖƑƓƙǖǁ ǶĭšĭšƟǂǁƐ üƋƑƨǋǁƐ

ăĂƵþ Ŏƽ ǇƒƧǀ!ƒĂ ǂŏǶƓƙǂ!ƒ ǂ!þǕƒ Ƨŏƺ ăƧƤƊ ƘƓǶƛƹ ýƑƓƪĂǶ ĭƧƒþǗƒ ŎƯƓǀ!ƒ Ǉŏƶƙƪŏ

Ǆ!Ă ǂŏǉþǆ!ƒ ǇŏǉƒĂǀ!ƒ ƓǌŏǁƵ ƘƬǉ ýƑƓƪĂ!ƒ ǉƦǋĂ ǉƧŏƺ Ɠǌǉ Ƨǆǆŏ ĂƊ ǋƪƽǉǶ ƓǋƧƬƓǶŏ ǂŏơ ƇƓƺ!Ǘƒ

ǂùƶŏǶƱ ƴùǆ Ɣùƪ ƓǉƙŏƓǆǶ ǇĂǂŏ ƓǌǶ ƦƤǕƒĂ Üĭ ƧƒþǗƒ ƇƓƯǀ!ƒ ǇŏǉƒĂƥ ƯƶǶ Ŏƽ ƓǌŏǁƵ ƒǉŏ

ƧƒƧùƥǗƒĂ ƔƒĂƞƙùƪǙƒ Ŏƽ ǂǁƛǆƙǆ!ƒĂ ǂŏǀŏǀơƙ!ƒ ýƑƓƪĂ!ƒ ŎǊ ýƑƓƪĂ!ƒ ǉƦǋĂ Üǂŏ ƧƒþǗƒ ăĂƵþ!ƒ

ǂǆƪƓơ!ƒ Ǉŏǆŏ!ƒ ƇƒĂƪ ƇƓƺ!Ǘƒ ăĂƵþ Ŏƽ Ɠǌ! ýƓƞǆ ǚƽ Ǉŏǆŏ!ƒ ƓǆƊ ƖþƓǌƬ!ƒĂ ƖƧǶƤ!ƒĂ ǂǉŏƓƶǆ!ƒĂ

ƇƓƯùǀ!ƒĂ ǊùǀƼ!ƒ ǊùŏǁƵ ƧǀƙùƪƒƓǆƒǋƦǋĂ ǂŏƧƒþǗƒ ăĂƵþ!ƒ ǂƶŏǶƱ ƴǆ ƓǌƯƧƓƶƙ! Üǂǆǆƙǆ!ƒ ĂƊ

.ǂƪƒƧþ!ƒ Ǉƒþǁǉ Ŏƽ ĭƧƒþǗƒ

ýƑƓƪĂ ĬǁƵ ǂŏƧƒþǗƒ ǄǂƓơǆ!ƒ ýǆƵ ǄŏƲǇǉƙǶ ƨǁƶƙǆ!ƒ 1889/7/22 ǇĂǉƓƥ ƒǉ :ƑƨǆþƺĬƻƺ

ǄŏùƲǇƙ ǄþùƵ ýƲ Ŏƽ Ɠǌŏ!ƍ ŎƪǉƧƽ!ƒ ǂ!Ăþ!ƒ ƩǁƞǆǍƞǁŏ ǂŏơ ƓǌƙƓƬƓƬƙƤƒ ƴǆ ƨƽƙŏ ƓǆǶ ƨŏǀơƙ!ƒ

.Ɠǌ! ǋƙƞƓơ ăþǆ Ƨŏþǀƙ Ŏƽ ǋƙŏƧơǶ ǋƲƓƽƙơƒ ƴǆ ýƑƓƪĂ!ƒ ǁǁƙ! ǋƙƓƶŏƧƬƙ

ǇĂǉƓƥ Ŏƽ þƧŏ ǄǁǁƽŎƪǉƧƽ!ƒ ǊǋǉǇ!ƒ ƩƽǉĬǁƵ ĭƧƬǆ!ƒ ǂ!Ăþ!ƒ ƩǁƞǆƧƓƪ þǀƽ :þƬǄ Ĭƺǋ

ǂùǉƓǂǆƣ Ĭù!ƍ ƧƓƬƊ ƓǆǉƥĂ ƨŏǀơƙ!ƒ ýƑƓƪĂ Ĭ!ƍ ƧŏƬŏ Ɠǆ 1972 ǂǉƪ! (47) ǄƥƧ ĭƧƬǆ!ƒ ǂ!Ăþ!ƒ ƩǁƞǆƧ

ǂǉƪù! (13) ǄƥƧ ǂŏƧƓƞƙ!ƒĂ ǂŏǉþǆ!ƒ ƘƓƶƽƒƧǆ!ƒ ǇĂǉƓǀǶ ƩǁƞǆƧ!ƒ ǇƓƶƙƪƒ ǂŏơ ýŏƬƽƙ ǇĂþ Ɠǌŏ!ƍ ƇĂƞǁ!ƒ

ǁùǁƙ ĬùǁƵ ƓƬùǉ ǂŏơ 1968 ǂǉƪ! (25) ǄƥƧ ǂŏƧƓƞƙ!ƒĂ ǂŏǉþǆ!ƒ þƒĂǆ!ƒ Ŏƽ ƘƓǶǗƒ ǇĂǉƓƥĂ 1968

.[1]ýƑƓƪĂ!ƒ

(1) ǆǉƪĂ ǜƬ ǉƓơƊ ƴǆƓǆ+ Ü!ǋþ!ƒ ǜǉƤǉ ǶĭþƯǆ ƖƑƓƙǕƐ ƻƺ ǁǋƑƓǁƐ ăþƐƣǕƐ ǆǌƧǆ ƴǌƪ Ʈǀǉ ƒ 320 Ă321.

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ýƑǴùƪĂ ĎǕƯǰùǒ Ď! 1992 Łǰƪ! (12)ĎƿƧ ǴǒĬƶ!ƒ ýƥƶ!ƒ ŁďǂƠď ǇĂǰǴƿ ǇƎ5 :ĎǭƥŰƐ Ĭʒ ƑĎƈ

ǇĂǰǴùƿĂ 1952 Łǰƪù! (30)ĎùƿƧ ƘǴǰǒƕ!ƒ ǇĂǰǴƿ ŎǰƥƧǕ̄ƒ ĭƧƒƥŰƒ ŎưǴǀ!ƒ ʦƕƱǒ ƚǒơ ʦǒǀơǩ!ƒ

Ĭùǀ Ƶ ƘǴǰǒƕ!ƒ ǇĂǰǴƿ ƒ ǰ ƥƿĂ ƒ ĂƮƤ!ƒ ƒƦǌƕ 1988 Łǰƪ! (24) ĎƿƧ ŁǒǰƥďǕ!ƒ ƘǴďǂǴơď!ƒ ýĂƮĐ

.ǰƧǂƦ ǴǰƽǀƪĐ Ǵďǂ ƠưƒĂ ýǂƬƕ ýƑǴƪĂ!ƒ ǁǀǩ

ǊùǒƼ ýĂǴùǰǩǰ ýĂǕƒ ǇǒùƛơƕďǇďùư ýƮƽ!ƒ ƒƦǊ Ŏ5 ŁǒǀǒǀơǩƋ!ƒ ýƑǴƪĂ!ƒ ýĂǴǰǩǰƪ ǊǒǀƵĂ

.ǀƥǴǌƬ!ƒĂ ǀƧƕƤ!ƒĂ ŁǰǒǴƶď!ƒ ǊǒƼ ýĂǴǰǩǰƪ ŎǰǴƛ!ƒ ƚơƕď!ƒĂ ƧƒƧƿǕƒĂ ƔƒĂƞǩƪǕƒ

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üNjŬɛ ƘӨǴDŽǁɛ

βɛƥƼŰɛNj ƒɛNjɰƗƨŰɛ

Ǵùnjǖ LJöƶƙʅö ƥp ŎƙǃfĂ ĭƧfƥŰf ƘǴǖƛǘǃ NJölöloʠƙǃf ýƑǴʅĂǃf LJdž ƧfƧpŰfĂ ƔfĂɳƙʅŬf Ƨǖƙƶö

ǴùnjƙƶöǖƱ yùdž ƯƧǴùƶƙö Ŭ Ǵùdžǖ Ǵnjö5 ýƮ5ǃfĂ ǴǴʓǃŰf ăĂƵƥ ƾölöʠƙǃ ŰĂƮĂ ĭƧfƥŰf ŎưǴlǃf

. LJǴƛ ƔǃƱdž Ŏ5 ƧfƧpŰfĂ ýĂǷ ƔǃƱdž Ŏ5 ƔfĂɳƙʅŬf ƗʠǖdžǃfƦNj Ŏ5 ýĂǴǈƙǈʅ NJöǃƵĂ ƗƮǴƤǃf

üNjŬɛ ƒƗƯDŽǁɛ

ƒɛNjɰƗƨŰɛ

LJƵ NJǃfƋʅǃ ǴǴưlǃf DŽǴdžD ƗöƧfƥŰf ăĂƵƥǃf ƻfƧƱD ƥʠD ǴǴƵƥƙʅf" NJǈǖ ƔfĂɳƙʅŬf ƻƦƶöĂ

.[1]"ǴnjNjǴɳƙf NJǈdž ƻfƧƙƵf Ĭǃƥ ýĂƮĂǃf ƻƥnjǖ lƥƥʠdž ƗƶpfĂ

LJùdžĂ ÜăĂƵƥùǃf ƻfƧùƱD ƥʠf LJdž ƔǃƱǖ ĂD ƗdžƗʠdžǃf LJdž ƔǃƱǖ Ǵdžƥ ƔfĂɳƙʅŬf LJĂƗöĂ

ƥùʠD ƻfƧùƙƵf Ĭùǃƥ ƔfĂɳƙùʅŬf ĭƥƋö ƥpĂ ƘǴǖƛǘǃ LJƑfƧlǃf f ŭƤƙʅf ƗdžƗʠdžǃǃ LJƗdžö NJǃŭƤ

.[2]ƧƤŬf ƻƧƱǃf ƠǃǴƮǃ ƻfƧƱŰf

DžƗǴùʠdžǃf ýùdžƶǃ DŽƱǈùdžǃf 1889/7/22 LJĂǈǴùp LJdž (R 941) lƥǴdžǃf ƘƮǈ ƑƨdžƥƺŎ55

DžnjǖfĂɳƙùʅf ƧƧlƙ LJD DžĂƮƤǃf ƥʠD ƔǃƱ ĬǃƵ ǴǴǈǖ ĂD ǴnjʅƼǈ ǴǴlǃƙ LJdž ƗdžƗʠdžǃǃ" NJǈD ĬǃƵ ƗöƧfƥŰf

ƔfĂɳƙùʅŬf ƘfǴfƧɳǃùǖ ƧưùʠdžDžƱǈö Ɨöʠ "ƗlǃƺdžƗʅǃɳŎ5 ĂD ƗdžǴƵ Ɨʅǃɳ Ŏ5 ǁǃƦ DžƙǴfĂʅ

Džƙùö5 ƗùdžƗʠdžǃf ƗǃƑùʅD ĬǃƵ ƥƧǃf ƔĂɳƙdžǃf Ư5Ƨ ƗǃǴʠ Ŏ5Ă ÜƗǃdžǴƗ ƗdžƗʠdžǃf ƗƑöNj DžǴdžD LJĂƗöĂ

.ƘǴǖƛŰf Ŏ5 ŎưǴlǃf ǴnjöǃƵ ƥdžƙƶö ƗǈöƧp ǁǃƦ LJĂƗö Ɨöʠ ƧưʠdžǃfŎ5 ǁǃƦ Ƙöǖƛƙ

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(1) ÜƧĂǴǈƱƤ ŎǃƵ ÜĭĂǴǈƱT ǖYNjƨNjDž ÜƧǴƱP ƅƑƮƾǁɛ ÜăƥɛɊŰɛ yɳƧdž ÜƾǖǴʅ f 649.

(2) ÜĬʅĂdž ƥdžʠD ýǴdžƗ ÜLJöƥǃf ǖĭƥưdž lƑǴƙŰɛ Ĭƺ DžNjǈƑƾǁɛ ÜăƥɛɊŰɛ yɳƧdž ÜƾǖǴʅ f 384.

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LJD Ł ùŏơ ĭ þĜùƶ!ƒ ĈĜư l!ƒ Ŏ5 Ŏk!Ĝǂ ĭ ƧƒþŰƒ LJĂLjĜl!ƒ Ŏ5 ŁŏdžNjǕƒ ƘƒƦ ƔƒĂƞƙƪ ǘ! Ʃŏ!Ă

LJĂLjĜùl!ƒ þùƵƒĂƥĂ ƫ5ƙƙ ƘƒþLjƙƪdžĂ ƘƒƧƒƧƥ ĬǀƵ þLjƙƪƙ ĭ ƧƒþŰƒ LJĂLjĜl!ƒ Ŏ5 ƘĜdžƒƨƙ!ǕƒĂ ƫĂlơ!ƒ

.DžĜƶ!ƒ

ƫùŏlơƙ Łǀŏùƪ Ăǂ ŁùŏƧƒþŰƒ Džǂ Ĝơdž!ƒ DžŏƱLjƙ LJĂLjĜƥ Ŏ5 ƔƒĂƞƙƪǕƒ ĬǀƵ ƒ Lj!ƒ DžƩƧĂ ƒƦNj

lƧƒþŰƒ ýǘlƙùƪƒ Dþƕdž! NJLjdž ǻdžƒƧƙơƒ ǁ!ƦĂ ƒ Lj!ƒ ƒƦNj ýdžƶǿ Dž! Ŏƪ LjƧ5!ƒ Ł!Ăþ!ƒ Ʃǀƞdž LJD Ǖƹ ĭ Ƨƒþƹ

ƻƒƧùƱD þùơD LJdž ĭ ƧƒþŰƒ Ŏ ư Ĝl!ƒ Ƨƪ5ƙƪƒ LJD Ł þơ LJƹĂ ǕŎǀdžƵ ƧŏƩ ŎLjĂLjĜl!ƒ ƒ Lj!ƒ ýƶƞ Ĝdždž

ŎLjĂLjĜùl!ƒ ĬLjƶdž!Ĝùƕ ǻƕƒĂƞƙƪƒ Ʃŏ!Ă Ơŏ ư Ăk!ƒĂ LJĜŏƕ!ƒ ƻþnjƕ Ǖƹ ǁ!Ʀ Ĝdž5 NJLjdž Ơ ư Ăƙƪ ƒĂ ăĂƵþ!ƒ

[1]ŁùǀdžĜƶ!ƒ lƧƒþŰƒ yùdž Łnjƞ ƒĂdž!ƒ ĭ ƧƒþŰƒ ĈĜư l!ƒ ƔLjƞ Ŏƪ LjƧ5!ƒ Ł!Ăþ!ƒ Ʃǀƞdž ăþ! NJƞĂk!ƒ ƒƦNjĂ

.lƧƒþŰƒ DžơƧ LJdž þǿĂ ĭ ƧƒþŰƒ ĈĜư l!ƒ LJD Ł ŏơ Ĝnjƶdž ƻǘƤ!ƒ ƔĜƕ ƫǀƩDĂ

Ĭù!ƹ ĈĂùƞǀ!ƒ ƧƦĜùơŏ ĭ ƧƒþŰƒ Ŏ ư Ĝl!ƒ LJƎ5 (Debbasch ƫ Ĝƕŏþ) NŏlƼ!ƒ ĭ DƧ Ɣƪ ơĂ

.[2]ĜnjƶdžYƒƨLj Ŏ5 NJƪ5Lj Džơlŏ Ǖ Ĭƙơ lƧƒþŰƒ ĂNj Nƕ ŎLjƶdž!ƒ ƻƧƱ!ƒ LJĜǂ ƒƦƹ ŁƮĜƤ ƔƒĂƞƙƪǕƒ

NJùLjƌƕ 1972 ŁLjƪù! (47)DžƥƧ Ł!Ăþ!ƒ Ʃǀƞdž LJĂLjĜƥ LJdž (27) lþĜdž!ƒ ƘƮLj þl5 þƮDž Ŏ5Ă

ýĂƮùơǀ! LJƌƮ!ƒ ƘƒƦ ŁŏdžĂǂơ!ƒ ƘĜnjƞ!Ĝƕ ýĜƮƙǕƒ ăĂƵþ!ƒ ŁƑŏnjƙ ýŏƕƪ Ŏ5 Ł!Ăþ!ƒ ƯĂ5dž!Ă ...."

Ŏk!ƒ yƑĜƥĂ!ƒ LJƵ Džnj!ƒƋƪ! LJƌƮ!ƒ ĭ ĂƦ ĈĜƵþƙƪĜƕ Ƨdžƌŏ LJDĂ ƫƒƧĂDĂ ƘĜLjĜŏƕ LJdž ǻdžƨǕ LJĂǂŏ Ĝdž ĬǀƵ

.[3]"Ĝnjlŏlơƙ DžĂƨ! ăƧŏ

ĈƒƧùƞƹ lƧĂƧ ư Łdžǂơdž!ƒ ƘDƧ ƒƦĂ" Ĝnj!Ăƥ LJĂLjĜl!ƒ Ʃ5Lj LJdž (32) lþĜdž!ƒ ƒ Lj Ŏ5 ĈĜƞĂ

."LJŏ ư Ă5dž!ƒ LJdž ĂD ĜnjƑĜ ư ƵD LJdž ǁ!Ʀ! NJǿþLjƙ LJdž Nƕ DžĜƥ ĂD Łƪǀƞ!ƒ Ŏ5 Ĝnjƪ5Ljƕ NƙƧƮĜƕ ƫŏlơƙ

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(1) ǕĂdž ƪǁƞdž ǕĜơþdž ƒ!ǕƎŏdž ƪǀƕƑþǀƕ ƞƒƦ ǕƑŏǂ þǂƕ ƧƞyƪĜƕ ƫ ƒ 386 Ă387.

(2) ƧƨƫƒǕ ƞĂƨƻǕ ƞƑǀƕþƪ ǀƨƒƦ Ũ ƙƦǀƕ ƮƑ ǕƑŏǂ þǂƕ ƧƞyƪĜƕ ƫ ƒ 157.

(3) ƧƱLjƥ lþĜdž!ƒ (27) LJĂLjĜƥ Ʃǀƞdž Ł!Ăþ!ƒ ƮƧĭ ƧƥDž (47) ƪLjŁ 1972.

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ƔƒĂŋƙƪƒ ƨơ Ƚdžǂǵơdž!ƒ ǴǴǉƊ Ƚdžǂơdž!" ǵǌ!Ăǉ Ŏǉǵǩ!ƒ ƥǉ!ƒ Ŏ5 ǈĂǉǵǈ!ƒ ǁ!Ʀ ǈdž (76) ƖƥǵdžƑƒ ƘƮǉ

."ȽőƧĂƧ ư ǵǊƒƧƙ Ŏƙ!ƒ ýƑǵƪdž!ƒ ýĂơ ǊĂƮƤ!ƒ

1992Ƚǉƪù!(12)ǊùƥƧ ǵùőǂ!ƒ ýƥƺ!ƒ Ƚdžǂơdž ǈĂǉǵƥ ǈdž (ùǋ) ƖƧǀ5!ƒ (17) ƖƥǵdžƑƒ ƘǴǵŋĂ

ǏǂƵ ƥƧǂ! ǉƥư ǏƵƥƙƪdž!ƒ ƖĂƵƥ ǈĂƥ ŎƵƥƙƪdž!ƒ ĂƵƥƙ ǈƊ ǵǌƪ5ǉ ǴǵǀǂƘ ǈdž Ƚdžǂơdžǂ!" ǵǌ!Ăǉ ƘƮǉĂ

."ǵǌƙdžǵƥǗ ǋŋĂ Ǚ ǈƊ ƘƊƧ ƒƦ ăĂƵƥ!ƒ ƥƧƙ ǈƊ ǵǌ! ǈƊ ǵdžǂ ƘǵơǵưőǪ ǊőƥǀƘ ĂƊ ǵǌƙƒƧǵƪ5ƙƪƒ

ǴǵƵƥƙùƪǵǉ Ƚùdžǂơdžǂ! Ơdžƪ ƳƧƬdž!ƒ ǈƊ (ùǋ/17) ƖƥǵdžƑ! ƨǉǵƪ!ƒ ƒ ǉ!ƒ ýǛƤ ǈdž ǋƙǉƙƪǉ

Ǐùǉƺdžǉ ƖƧƒƥǗƒ Ɣ!ǵƺ!ƒ Ŏ5 Ăǌ ǉƥư ǏƵƥƙƪdž!ƒĂ Ǚǉƥư ǏƵƥƙƪdž!ƒ ǴǵƵƥƙƪǵǉ Ơdžƪő Ǌ!Ă ŎƵƥƙƪdž!ƒ

Ŏưǵǀ!ƒ ǈǵǂdžƺǉ ǈǵǂ ǈǪĂ ƖƧƒƥǗƒ ýǛǀƙƪǵǉ Ʃǵƪdž ǁ!Ʀ Ŏ5 ǈǛ ƖƧƒƥǗƒ ýŋƧ ƔƒĂŋƙƪƒ ƨƒĂŋ ǊƥƵ

.ƔƒĂŋƙƪǛƒ ăĂƙƪdž Ǐ!Ǫ ýƮő Ǚ ýǂƬ ƖƧƒƥǗƒ ýŋƧ ǈdž ƟǵưőƙƪǛƒĂ Ƨǵƪ5ƙƪǛƒ

ǈùdžĂ Ǘǵùǌ!ǵdžƵƊ Ŏù5 ƖƧƒƥǗƒ ýǛǀƙƪƒ ǊƥǉdžƑ! ǂƥǵǉƙƪƒ ƳƧƬdž!ƒ ăƥ! ǋŋĂƙ!ƒ ƒƦǌ ƥőƋǉ ǈơǉĂ

Ŏùƙ!ƒĂ ƧĂdžǛƒ Ưƺǉ ȽƬƥǵǉdž! ƖƧƒƥǗƒ ýŋƧ ƖĂƵƥ ƘƨǵŋƊ ǵǌǉƊ ƧǌƱő ǵőǂƺ!ƒ ýƥƺ!ƒ Ƚdžǂơdž ƘǵǀőǉƷƙ

Ʃőù!Ă Ƚǀőǀơ!ƒ Ǐ!Ǫ ýĂƮĂ!ƒ ƻƥǌǉ ǋő5 ǈĂƺƷdž!ƒ ƧƒƧǀ!ƒ ƧƒƥƮǪĂ ǐƧƒƥǗƒ ýdžƺ!ƒ ƻĂƧƱǉ ƨǂƺƙƙ

ǈőùƪƥǉǌdž!ƒ ƥùơƊ Ƚ!ǵơǪ ƧƒƧǀǉ ǈƺƷ!ƒ ƒ ĂƮƤǉ Ƚdžǂơdž!ƒ ǋǉ Ƙưƥ ǵdž ǁ!Ʀ ȽǂĂdžƊ ǈdžĂ Ǘǋǉƒ ĂŋƙƪƒƑ

ǏùǂƵ Ʃƥǉǌdž ǈƵǵƷ!ƒ ǈƊ Ƙǵǉőǉ ǈdž Ǌƥƥ ǵdžĂ Ƚőư!!ƒ ƨƒƧĂǉ ƘǉǵǩƑ ǈdž ...." ǵǌ!Ăǉ ƥƵǵǀƙ!ƒ ǏǂƵ

Ŏ5 ǈǈ ƖƧƒƺĂǂ! Ǌǵƺ!ƒ ǈődžǛƒ Ăǌ ǈǈ ƧƬǵǉdž!ƒ ǋƪőƒƧ ǋ5ƮĂ Ƚőơ ƷǵƮǉ!ƒĂ ƖǴǵ5ǂ!ƒ ǈdž ý55Ƨ ăĂƙƪdž

ýùdžƺ!ƒ ǊŋơĂ ƖƧƒƺĂ!ƒ Ŏ5 ǈő5ƱĂdž!ƒ ƷƮǉƊ ǈdž ǉƧǉƙƵƒ ǋ! Ʃőƒƨǂ :ǋ!Ăǉ Ƚdžǂơdž!ƒ ǉƦǌ ǊǵdžƊ ǋƙƥǵǌƮ

Ŏùƺő ƧőƺĂù!ƒ Ŏ!ǵƺdžĂ Ǌǌǂdžŋdž ǈǂő Ǌ! ǈǪ ǈőƪƥǉǌdž!ƒ ǈdž ƥƥƵ ýdžƵ ýƥǵƺőĂ ǂƧǀǉǂ ǈǵǂ ǋ! ƷǵǉdžƑ

Ƚùdžǂơdž!ƒ ǊǵdžƊ ǉƦǌ ƖƧƒƺĂǂ! Ǌǵƺ!ƒ ǈődžǛƒ ýƒĂƥƊ ƘƥƧĂ ƥƥĂ [(1)]" (...ǈő5ƱĂdž!ƒ ƷƮǉƊ ǋǉƊ ǊǂƺőĂ ǁ!Ʀ

.ƥƵǵǀƙ!ƒ ǏǂƵ ǈƵǵƷ!ƒ Ʃƥǉǌdž!ƒ Ƚ!ǵơǪ ƧƧǉƙ Ŏƙ!ƒ ƔǵǉƪǛƒ ýĂơ ǋƙƬƥǵǉdž ǴǵǉƊ

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(1) ýƥƵ ǗǵőǂƵ ƧƒƧƥ ǊƥƧ (25) Ŏ5 Ƚőưǀ!ƒ ǊƥƧ (94/209) Ǘ ƘǉőƧƙ 1995/2/25.

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Ĭ ďžƑƙǁɛ ƒ ǂƲĎŽǁɛ

ƥɛƥøøøøƽǕɛ

ǑǉǍǉǴùƿ Ƨƛƌ ƥ Ƭƿ ǇƵ ƒ ƤƬ ĎŏǁƪƙʺǍǊǍ Ɨ!ƥǕƒ ƥŏƪ ǊǉƋ ƻƒƧƙƵǕƒ ǍƉ ƧƒƧƿǕƒ ƻƦžƅ

.[1]"ǊƙǌƞƒǍďž Ǒƽ ƧƛǕƒ ƒƦǋ ǴǌŏƵ ƔƙƧƙŏ Ǒƙ!ƒ ƗŏǉǍǉǴǀ!ƒ ƗƶƿƒǍ!ǴƋ ǍƉ ǊŏƵ ĭ Ƨƪŏ

ƧƒƧƿǕƒ" Ǵǌ!Ǎǀƌ 1952 Ɨǉƪ! (30)ĎžƿƧ ǑǉƥƧǕƒ ƘǴǉŏƋ!ƒ ǇǍǉǴƿ ǇĎž (44) ǀƥǴďž!ƒ ǊƙƽƧƵ ƥƿǍ

."ƧƤŭ! ǊŏƵ ƾơ ǇƵ ƩǴǉ!ƒ ƧǴƋƤƣ ǍǊ

ƧƒƧƿǕƒ" Ǵǌ!Ǎǀƌ 1968Ɨǉƪ! (25) ĎžƿƧ ĭ Ƨ Ƭďž!ƒ ƘǴƋƛǕƒ ǇǍǉǴƿ ǇĎž (103) ǀƥǴďž!ƒ ǊƙƽƧƵǍ

ăǍƵƥù!ƒ Ǒùƽ Ƨŏƪ!ƒ ǄǴǉƛƉ ǁ!ƦǍ ǊŏƵ Ǵǌƌ Ĭ Ƶƥďž ƗŏǉǍǉǴƿ ƗƶƿƒǍƌ ǄǴ ư ǀ!ƒ ĎžǴďžƉ Ďž Ƭ Ƥ!ƒ ƻƒƧƙƵƒ ǍǊ

."ƗƶƿƒǍ!ƒ ǉƦǌƌ Ɨǀžƙďž!ƒ

ǇùĎž ƻƒƧùƙƵƒ Ǎǌƽ ǕƘǴƋƛű! ĭ ƥǴƵ Ƨŏƨ ý ŏ!ƥ Ƨƌƙžŏ ƘǴƋƛǕƒ ýƑǴƪǍ ǇĎž Ɨŏƪǂ ƧƒƧƿǕǴƽ

.[2]ǊŏƵ ýŏ!ƥ!ƒ ƗďžǴƿǕ ƗƞǴơ Ǖ Ďžƛ ǇĎžǍ ǊŏƵƥŏ Ǵďž ƘǴƋƛ ǇĎž ǑƵƥďž!ƒ ǄǴƽƵƣ ƔƙƧƅ ƒ ƤƬ

ǇǍǉǴƿ ǇĎž (45) ǀƥǴďž!ƒ ƘƬǉ ƥƿǍ ǕǑƑǴ ư ƿ Ƨŏƨ ƧƒƧƿǍ ǑƑǴ ư ƿ ƧƒƧƿ Ĭ!ƣ ƧƒƧƿǕƒ ĎžƪǀǉŏǍ

ƔǍùǉŏ ǇĎž ǍƉ ĎžƬƤ!ƒ ƻƒƧƙƵƒ ǍǊ ǑƑǴ ư ǀ!ƒ ƧƒƧƿǕƒ" Ǵǌ!Ǎǀƌ 1952Ɨǉƪ! (30)ĎžƿƧ ǑǉƥƧǕƒ ƘǴǉŏƋ!ƒ

ăǍƵƥ!ƒ Ǒƽ Ƨŏƪ!ƒ ǄǴǉƛƉ ǄǴ ư ǀ!ƒ ĎžǴďžƉ ǁ!ƦǍ ǊŏƵ Ǵǌƌ ǑƵƥƒ ƗƶƿƒǍƌ ƧƒƧƿǕǴƌ Ǌ! ǴǉǍƦďž ǇǴǂ ƒƦƣ ǊǉƵ

Ǵùǌ!Ǎǀƌ ǇǍǉǴǀ!ƒ Ʃƽǉ ǇĎž (46) ǀƥǴďž!ƒ ǊƙƽƧƵ ƥǀƽ ǑƑǴ ư ǀ!ƒ Ƨŏƨ ƧƒƧƿǕƒ ǴďžƉ "ƗƶƿƒǍ!ƒ ǉƦǌƌ Ɨǀžƙďž!ƒ

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(1) ǕƗǉƧǴƱǀ!ƒ ǕƥƑƸǁǕɛ ǌǊǋƳƣ Ĭ ƺ ǀ ƑǴƙǕɛ ƣƳƐǊƽ Ǖƥ!ǴƤ ǕƗǉƧǴƱǀ!ƒ .169 ƒ Ǖƾǌǂƪ ƴƞƧďž ǕƥƑƸǁǕɛ ǌǊǋƳƣ Ĭ ƺ ǀ ƑǴĭǴǁɛ ǕǑǁǁƽďž Ǖǀǂ ư ǀ!ƒ ǍǊǉƧ ǂǁǁƊ ƣǊǉǁ ǕƗǊǉƈ ƒǀ
ƶĭƬǊ ǀɛƃɛƥǁǁƌǊ ǌǁǊƣǁɛ Ƨ ǂǁǁĎž ƃƑƬƽ Ǖƥŏƪ!ƒ Ʃ ŏďžƤ ǕýŏƵǴďžƪƣ .219 ƒ Ǖƾǌǂƪ ƴƞƧďž ǕǌĭƥƑǁǁƗǁɛǊ ǌĭďžƣĎžǁɛ
.358 ƒ Ǖƾǌǂƪ ƴƞƧďž ǕǌĭƥɛƣǕɛ ǌǊǊƑƳƣǁɛ

.163 ƒ Ǖƾǌǂƪ ƴƞƧďž ǕǌĭƥƑǁǁƗǁɛǊ ǌĭďžƣĎžǁɛ ƣɛǊǉƱǁɛ Ĭ ƺ ǀ ƑǴƙǕɛ ƣƳɛǊƽ ǕǇǈƪơ ƾŏƽǍƙ Ǖǁǁƨƽ!ƒ (2)

.49 ƒ Ǖƾǌǂƪ ƴƞƧďž ǕƑĭǂƴǁɛ ǕƣƴǁɛǌĎž ǀƟĎž ƃƑƬƽ Ĭ ƺ ăƥɛƣǕɛ ǀ ƑǴƙǕɛ ǕəƑƨǊ Ǖ ƻƒǍǉ ǕǇǴƶǉǂ

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ƧùǒƺǑù5 Ďừ ŧơ!ƒ Ʃ‼ŋďž Ǒ5 ƴlǒ ǍĐ Ďžŧơ!ƒ Ʃ‼ŋďž Ƨǒƺ Ǒ5 ƴlǒ ǐ Ʀ!ƒ ǍNj ǑƑǴư l!ƒ Ƨǒƺ ƧƒƧpǕƒ"

."Ǵnjħ Ƨlďž!ƒ ŧƶpƒǍ!Ǵħ Ƙďžǒpǅ Ǒǩ!ƒ ǎǍƵƥ!ƒ

ǋù!ǖƤ ǇJùďž Ǒ5ƶǯ ǑǈǍǈǴp ƧƛĐ ŧƒƥơǙ Ƨlďž!ƒ ŧǒǉ ƘnjŋǩƒǑǈǍǈǴp ƻƧƮǩ ƧħǩƶǒƧƒƧpǙǴ5

ǇJǍù ŧǒǇĐƧƒƧùpǕƒŧơƮù! ƱƧǩTǒǍǙǊǩħƛǒǇĐǊǒ‼ƵƔŋǒǇǴŧǴďžǏ‼Ƶƴǒ!ƥ!ƒŧďžǴpǫǇďžǊďžƮƤ

ǉƥƒƧǕƒƔǍùǒƵǇďžǉƧǒƺħǍĐǉƒƧŧǕǴħǶħǍTďžǉǴưƧǇǍŧǒǕǇĐǍŧǒǉǍǈǴpŧǒ‼ǋǅǍƦ fƤTǇƵǶƧƥǴƮ

.[1]ƧƒƧpǕƒ ǁ!Ʀħ ǁƪďžǩ!ƒ ǇJďž ĎžƮƤ!ƒ ǇJǒŧďžǩǍ ǊǩďžƦ Ǒ5 ǶǩħǴǍ ǋħ Ƨpǅ Ǵďž Ǐ!ǫ Ƨlďž!ƒ ǉƥƒƧǫ ǊŋǩǩǇĐǍ

Ǐù‼Ƶ ǁù!Ʀ ƥùďžǩƶǒ ŧǒơ ǋďžƥƵ ǇJďž ƧƒƧpǙǴħ ƦƤǕƒ Ǒ5 ŧǒƧǒƥlǩ ŧƱ‼ƪ ǐƧƒƥǕƒǑưǴl‼!Ǎ

Ƨưùơďž Ǒù5 ǁ!Ʀ ƘǒħƛǩƔŋǒǻNjǴ5T ǇJǴŧ ƒƦǫǍ ǻNjǴ5T ǍĐ ǻħǴǩŧ ƧƒƧpǕƒ ǇJǍŧǒ ƥpǍ ƴǴơ!ƒ ƻǍƧƱ

.ǋħ ƥǩƶǯ Ǐǩơ

ǑǈƥƧǕƒ ƘǴǈǒħ!ƒ ǇJǍǈǴp ǇJďž (51) ǉƥǴďž!ƒ fǈ Ɣƪơ ǁ!ƦǍ Ƨlďž!ƒ Ǐ‼Ƶ ŧŋơ ƧƒƧpǕƒ ƧħǩƶǒǍ

ƱƧT!ƒ ƥǍŋǍħ ǇJǒƵƥǩƪďž!ƒ ƥơƒ ƧƒƧpǫ" ǇJǝħ Ǵnj!ǍIħ Ǵǒ‼ƶ!ƒ ƴƥƶ!ƒ ŧďžŧơďž Ƙưp ƥl5 fǍƮƤ!ƒ ƒƦnjħǍ

ŧùŋơ ƧƒƧùpǕƒ ǇJǕ ǇJǒƵƥǩƪù ďž!ƒ ŧǒlħ ǎǍƵƥ Ǐ‼Ƶ ƧƛƋǒ Ǖ ƴǈƮďž!ƒ ŧďžǴpǫ Ǐ‼Ƶ ŧl5ƒǍďž!ƒ ƧƒƧp Ǒ5

.[2]"ǉƧǒƺ Ǐ‼Ƶ ǐƧƪǒ ǕǍ Ƨlďž!ƒ Ǐ‼Ƶ lƧƮǴp

ǇJùďž ǋħƒǍŋǩƪƒ ŧŋǒǩǈ ǅǴŋ ǍĐ ŧďžŧǴơďž!ƒ ŧƪ‼ŋ ƴǖƤ ǶƧƥǴƮ ǇJǴŧ ǅƒǍƪ ƥƧ5!ƒ Ƨƒƥpǝħ ƥǩƶǒǍ

Ǵùnj‼ƛďžǒ ǇJùďžďž ǐĐ ǙǑǈǍǈǴp ƴŧTħ ƧƥƮ ƒƦǫ Ǖǫ lƧƒƥǕƒ ǇJďž ƧƥǴƮ!ƒ ƧƒƧpǙǴħ ƥǩƶǯ ǕǍ ǙlƧƒƥǕƒ ƴħp

.[3]ǉƧƒƥƮǝħ ŧƮǩƤďž ŧnjŋ ǉƧƥƮďž ǇJǍŧǒ ǇĐ Ǐ‼Ƶ Ǵnjǉďž ƴpǍďž Ǒďžƪ Ƨ ƔǴǩŧħ ǍĐ ǶǈǍǈǴp

---

(1) ǙǇǴƶǈ ǙǇǍǈ Ǚƒ ƻǙ ǓǙƏƒƨNj Ǖ ǗǴǩǕƐ ǉƒǴǩǕƐ ǎƥƐǫǕƐ Ǐƺ ƀƑƮ5 ǅƖǊlƟǅǅ ħǅǅ ǖǫǑǖƴǋƐ ǕƑǑǑƴ ƴùŋƧďž ǙǇǴŋƪ ƥ f 49 .ǇǈƱùƧ
.ƧƒƧpǕƒ ƱǍƧT ƴǍơ 1952 ŧǈƪ! (30) ǅǈƧ ǑǈƥƧǕƒ ƘǴǈǒħ!ƒ ǇJǍǈǴp ǇJďž (48Ǎ 47)ƥƒǍďž!ƒ
.645 f Ǚ1972 ǙǅǃǃǃďžǫƥǙǑ ǅžǃǅžƑǑǅǅǑ ħǴƑšǅ ħŧǅǅǅ Ǚ(72/90) ǅǈƧ ƧƒƧp ǙǴǒ‼Ƶ ƴƥƵ (2)
.171 f Ǚšħǩƪ ƴŋƧďž ǙƀƑƺǅǑǕ njǊjYǫ Ǐƺ ǉƑǴǩǕƐ ǫYƐǊj5 Ǚƥ!ǴƤ ǙŧǈƧǴƱ!ƒ (3)

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[illegible] (1) [illegible]

[illegible]

[illegible] .(2) [illegible]

[illegible] (5079,24) [illegible]

.(3)"....[illegible]

[illegible]

(1) [illegible] .396Ă395 [illegible]

(2) [illegible] 1951/1/9 [illegible] .407 [illegible]
.393 [illegible]

(3) [illegible] (1996) [illegible] (46 [illegible]) 2006/9/21 [illegible] 2007 [illegible]
.1042 [illegible]

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(1) (76/24) (12 ،11) 1976 ،1810.

(2) (98/404) (6) 1999 ،1745.

(3) (95/21) (8 ،7) 1995 ،1808.

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[illegible]

(1) [illegible] (2012/303) [illegible] (1) [illegible] 2 [illegible] 3 [illegible] 2013 [illegible] 41.

(2) [illegible] (2009/321) [illegible] (7) [illegible] 8 [illegible] 9 [illegible] 2011 [illegible] 971.

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ĬǆFƙǁƐ ƘΘǴƉŽǁƐ

ƔǢFNJƖǁƐNj ƔƥǴƇǁƐNj ƕǜĭFyƊŽǁƐ

ƧfƧùpŰfĂ ƔfĂɳƙƖŰf Ƨǒƺ ƘǴƕǽ ýFǴƖĂƕ ƇǴƺ!Űf ăĂƵƥ ƭǒlơƙ! ĭƧfƥŰf Ǒưǵl!f LJǒƶƙƖǒ ƇǴưùl!fĂ ǋùlƽ!f ƧlƙùƖf Łǒơ ƘǴƕǽŰf ƭǴƱǉ LJǆ LJǒǆǒ!f ǻƥƶƕƙƖǆ lƥǴnjƬ!fĂ lƧƕƤ!fĂ ŁǉǒǴƶǆ!f ǑNjĂ Łùǉǒǵƶǆ!f ĭƧfƥŰf ƘǴùƕǽű! Łǒlǒlơƙ!f ýFǴƖĂ!f Łơƕǆ!f fƦNj Ǒƽ ýĂǴǉƙǉƖ ǋǒǁƵĂ ǁ!Ʀ ĬǁƵ ĭƧfƥŰf :ǑƙŰf Ăơǉ!f ĬǁƵ ŁJǴǽ ƔǁƱǆ Ǒƽ lƥǴnjƬ!fĂ ýĂƊ ƔǁƱǆ Ǒƽ lƧƕƤ!fĂ

üNjŬƐ ƒǂƯƊŽǁƐ

ƔƥǴƇǁƐNj ƕǜĭFyƊŽǁƐ

ƕǜĭFyƊŽǁƐ :üNjŬƐ ƱƥƻǁƐ

ĬùǁƵ YűùƱŰfĂ Yfƨǉ!f ýơǆ ŁƵƨǴǉǆ!f LJǴǂǆ Ĭ!ǫ ǴnjƖƽǉƕ Łǆǂơǆ!f ýǴlƙǉf ŁǉǒǴƶǆ!f Ǒǉƶƙ Ă .[1]ǴnjFǴưƵƊ ƥơƊ ǁ!Ʀƕ ǅǴǒlǁ! Łǆǂơǆ!f ƔƥƙǉƙƥpĂ ŁǒƥǴǆ!f yFǴpĂ!fĂ ƧǆŰf Łǒlơ

Ǒùƽ Łùpƥ ƧùǽǂƊĂ Łlƽǉ ǴnjǁpƊĂ Łǒlǒlơƙ!f ƘǴƕǽŰf ýFǴƖĂ ƧƖǒƊĂ ýnjƖƊ LJǆ ŁǉǒǴƶǆ!f ƧƕƙƶƙĂ .ǴnjǒǃǫƇĂɳǁ!f ĬǁƵ yɳƬǒ Ǵǆ lƥǒơ!f LJǆ ǴnjǒƽĂ ŁƵƧƖ ƧǽǂƊĂ ƘǴǆĂǁƶǆ!f

ƘǴùǆĂǁƶǆ LJǆ ƒ lǉ Ǵǆ ýǴǆǂƙƖfĂ ăĂƵƥ!f ƭǒlơƙ LJǆ Ǒưǵl!f LJǂǆƙǒ ŁǉǒǴƶǆ!f ýűƤ LJǆĂ Łùǒǉƽ ƘƖǒ! ƘǴǆĂǁƶǆ ǴnjǉƊ ǅfƥ Ǵǆ ǾlƕƖǆ ǴNjƥǒƥơƙ ĂƊ ǴnjǁǉǉǴ ƧƦƶƙ ŁǒƧfƥǫ ƘfƥǉƙƖǆĂ ƭFǴǽĂĂ ƘǴǉǴǒƕĂ .[2]ǴnjƬĂƬƤƕ ƧǒƕƤ! ŁɳǴơƕĂ

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(1) ǕǕƧƽ!f ƭǒƽĂƙ ǕLJƖơ ǢYƐNjǷ ƖFǴƙŰƐ ƖƼ ǢƐNjƊŽǁƐ ƕǜǂǢƊŽǁƐ ǕƕǜĭƥFǁƐNj ǕƕǂƧƌ ǕƭƕƵ ƒ 186. ǕƱƙƱùƧǕ ƥǆǂơǆ

ƕYNjǿ ƨNjƊŽ ǕƧǴùƱƤ ǑùǁƵ ǕĭĂǴǉƱƬ .223 ƒ ǕƭƕƵ ǕĭǒǂǢ ƖFǴƙŰƐ ƖƼ ǢƐNjƊŽǁƐ ƕǜǂǢƊŽǁƐ ǕƕǜĭƥFǁƐNj ǕƕǂƧƌ

üǢǿyǁƐ ƕǿƊŽlƟƊŽ ƅFƬƽ ƖƼ ăƥƐǢŰƐ ƖFǴƙŰƐ üƋFƨNj ǕƻfĂǉ ǕLJǴƶǉǂ .651 ƒ ǕƭƕƵ ǕăƥƐǢŰƐ ƅFƬƭǁƐ .45 ƒ ǕƭƕƵ ǕFĭǂyǁƐ

(2) ǕĭƖĂǆ ƥǆơƊ ýǴǆǂ ǕLJǒƥ!f ƕĭƥưǆ ǕƊNjǆFƭǁƐ ƖƼ ƖFǴƙŰƐ ǕăƥƐǢŰƐ ƭƕƵ ƒ .355

lþĜùdž!fĂ (R.731) lþĜùdž!f Ŏ5 ƘĜhĂǫ ŀǁŏƪĂǂ ŀljŏĜƶdž!f ŎƪljƧ5!f YƧTdž!f DžUlj :ƑƨdžþƷ Ĭǅ

fǬ ŀùdžǂơdžǁ! LJǂdžŏ" NJljD ĬǁƵ (R.731) lþĜdž!f ƘƮlj ŀŏơ ÜŀŏƧfþŰf Džǂ Ĝơdž!f LJŏljlk LJdž (R.831)

DžĜŏl!f ŀŏƷħ LJĜǂdžǁ! ĜnjFĜưƵD LJdž ŀƵĂdžƞdž ĂD ĜnjkFŏNj ýdžĜǂħ Ĝnj!ĜlkLjf ƧƧlk LJD ĭƧĂƧư ǁ!Ʀ LJD ƘDƧ

.[1]"ljƧþƮk Džǂơ Ŏ5 ĜNjþþơk Ŏk!f ƧĂdžǕf LJdž ƾlơk!fĂ Ƙħ!f ƘĜŏǁdžƶħ

ŀù!fþƶ!f ƾŏlơk ýŏħƪ Ŏ5 ŀljŏĜƶdž!f lƧTĜhdž ŀŏljĜǂdžǫ ĬǁƵ ŎƪljƧ5!f ŀ!Ăþ!f Σǁƞdž Ƨlkƪf þpĂ

ƧfƧùl!f ŀŏƵĂƧTùdž Džþùƶ ƘĜùħĂŰ ŀŏƵĂưĂdž!f ƘfĈƧƞŰf ŀƶŏħƱ ýdž ĜnjưƧĜƶk Džþƶ!Ă ŀŏƧfþŰf

Ŏù5 lþFĜ5 Ĝnj! LJD þƞĂ fǬ NJƪ5lj ĈĜlǁk LJdž ŀǁŏƪĂ!f ǁǁk! ĈĂƞǁ!f ƧŏƧlk ŀŏơŭƮ ŎưĜlǁ!Ă ÜĭƧfþŰf

.[2]NJħ LJĂƶƱdž!f ƧfƧl!f ŀŏƵĂƧTdž Ƨŏþlk

ŎùNjĂ ĈĜƷ!Űf ăĂƵþ ƘĜƵƨĜljdž Ŏ5 ŀǁŏƪĂ!f ljǬnj! ĈĂƞǁ!f Ŏ5 ŀ!Ăþ!f Σǁƞdž ƘĜlŏħƱk LJdžĂ

ƘfƧfƧùl!f ýùƮD Ŏù5 lþƧfĂ!f ƘĜljĜŏħ!f LJdž ƾlơkǁ! ĭƧfþŰf ŎưĜl!f ýĜlkljĜħ ƾǁƶkŏ Ĝdž ĜŏħƪLj ŀǁŏp

.[3]DžĜƶ!f ýĜdž!f ƾĜƱLj þŏþơkĂ ÜăĂƵþ!f ƻǁdž ýƮǕf YfþŏǫƧǬƶk ŀ!Ĝơ Ŏ5 Ĝnjŏ5 LJĂƶƱdž!f ŀŏƧfþŰf

ýFĜƪdžħ ƾǁƶkk ŀŏơ ýdžĜǂ!f ĈĜưl!f ƘĜƵƨĜljdž ăþ! ƧǂǂD ĜnjkĜlŏħƱk ŀljŏĜƶdž!f ŀǁŏƪĂ þƞk ĜdžLjŏħ

.[5]ŀŏFŏħ!f ýþĂdž!fĂ LJǂĜdžǕf ŀŏĜdžơ ýĜƞdž Ŏ5Ă .[4]ŀŏƧfþŰf þĂlƶ!fĂ ŀŏ!ĂƋƪdž!f ăĂĜƵþ ýǂdž ŀŏþĜdž

1972 ŀljƪù! (47) DžpƧ ĭƧƮdž!f ŀ!Ăþ!f Σǁƞdž LJĂLjĜp LJdž (27) lþĜdž!f Ƨhkƶk :þTDž Ĭǅ

LJùdž ĜùNjƧĜhkƵĜħ ŀùljŏĜƶdž!f Ĭ!ǫ ĈĂƞǁ!f ăĂƵþ!f ĈĜ5ŏkƪf ýŏħƪ Ŏ5 ĭƧfþŰf ŎưĜlǁ! ƘƨĜƞD Ŏk!fĂ

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(1) ÜĭĂĜljƱT ŎǁƵ ÜƧĜƱP ħYNjƨNjDž ƃFƮƾǁǁ ÛăþƐqŰǁ ýƞƧdž ƪĜhƾÜ f .652

(2) ÜŀljƧĜƱl!f ÜþĜ!ĜP qYƐNj5 njNjYq Ĭǅ lFĜkŰǁ ÜƃFƩlŰǁ ýƞƧdž ƪĜhƾÜ f .158 ÜĭƪĂdž þdžơD ýĜdžǂ ÜLJŏþ!f ĥĭþưdž ÜĭĂĜljƱT ŎǁƵ ÜƧĜƱP ħYNjøƨNjDž ƃFƮøƾǁǁ ÛăþƐqŰǁ ýƞƧdž ƪĜhƾÜ f .356 lFĜkŰǁ Ĭǅ DžNjĮFƾǁǁ ÜăþƐqŰǁ ýƞƧdž ƪĜhƾÜ f

.652

(3) ÜĭƪĂdž þdžơD ýĜdžǂ ÜLJŏþ!f ĥĭþưdž lFĜkŰǁ Ĭǅ DžNjĮFƾǁǁ ÜăþƐqŰǁ ýƞƧdž ƪĜhƾÜ f .360 Ü359

(4) ÜĭƪĂdž þdžơD ýĜdžǂ ÜLJŏþ!f ĥĭþưdž lFĜkŰǁ Ĭǅ DžNjĮFƾǁǁ ÜăþƐqŰǁ ýƞƧdž ƪĜhƾÜ f .357

(5) ÜĭĂĜljƱT ŎǁƵ ÜƧĜƱP ħYNjƨNjDž ƃFƮƾǁǁ ÛăþƐqŰǁ ýƞƧdž ƪĜhƾÜ f .653

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.[3] "....[illegible]

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(99/83) ... 1988 ...

... [illegible] ...

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...(2)"

(1) ... .652 ... .357

(2) ... (93/2) ... 1993/7/14 ... 1993 ... .1866

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(1) (990/37) 1990/7/8. www.qistas.com

(2) 160 ... 326.

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[illegible] 1889/7/22 [illegible]

[illegible] 1959/4/10 [illegible] (13) [illegible]

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[illegible]

[illegible]

[illegible] [4] [illegible]

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[illegible]

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.[5] [illegible]

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(1) [illegible] 326.

(2) [illegible] 328.

(3) [illegible] 658.

(4) [illegible] 240.

(5) [illegible] 338.

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.[2] "…. [illegible]

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(2) [illegible] 1950/5/11 [illegible] 737 [illegible]

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(2) [illegible] 164 [illegible] .165

(3) [illegible] (4802) [illegible] (5513) [illegible] (51 [illegible]) [illegible] 2010/3/16 [illegible] .kenanaonline.com/users/lawing/topics/91188 [illegible]

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ƧùŏƧǀƙƕ Ƀùǆǂơǆ!ƒ ƘŖƤƊ ǤǉŃǉĂ .[1]"....ƘǤƺ5ƥ!ƒ ƾƧƮ Ǥnjŏ5 ƧƤǆƙ Ŏƙ!ƒ ƥƥǆ!ƒ ǇƵ ƖƧǤƕƵ ǉǤǆƵǕƒ

ƥĂùƺƙ ɃùŏƧŏƥǀƙ Ƀ!ƌƪǆ ƧŏƕƤ!ƒ ƧŏƧǀƙƕ ŖƤǕƒ Ƀ!ƌƪǆ5 ǕǤnjǆǂơ Ŏ5 ǊŏƼ ǇǤƞ ǤǆĬ!ǫ ƘƥǉƙƪƒĂ ƖƧƕƤ!ƒ

ɃùŏƧƒƥǗƒ Ƀùǆǂơǆ!ƒ Ƙƥǉƙƪƒ ƥƿĂ .ƳĂưĂǆ!ƒ Ŏ5 ǊƙƥŏǀƺǉǊǉŏĂǂƙĂ ǊƙƵǤǉƿ ƔƪơĂ ĭƧƒƥǗƒ ŎưǤǀ!

ǇǫɃùŏơǇùǆĂ ...." Ǥnj!ĂǀƕƖƧƕƤ!ƒ ƧŏƧǀƙǊŏ!ǫĬnjƙǉƒǤǆĬ!ǫ ƘnjƙǉƒĂ ƘǤƕǫɃŏƪĂǂ ƖƧƕƤ! Ǥŏƺ!ƒ

ƥƧ!ƒ ǇǆưƙƧŏƧǀƙ!ƒ ƒŖǊ ǇƊĂ ǊƕǤƕƪƊ ĬƵ ǕĂǆơǆ ǇƒƧƕƤ!ƒ ƧŏƧǀƙ Ŏ5 ƥƧĂ Ǥǆ Ĭ!ǫ ǇǆƷƙ Ƀǆǂơǆ!ƒ

ǇŏùǉƺƷ!ƒ Ŏù5 ǤnjǤưƿ Ŏ5 ŖƤǆƙ Ƀǆǂơǆ!ƒ Ǉ5 ǄǆĂ ǤnjŏƼ ƽơ!ƒ ǊƞĂ ǇŏƕĂ ǄĂƮƤ!ƒ ǄƵƒƨǆ ĬƵ

.[2]"Ǥnjŏ!ǫ Ĭnjƙǉƒ Ŏƙ!ƒ ǋǤǉ!ƒĂ ǤnjŏƵ Ǆǥƿ Ŏƙ!ƒ ƩƪǕƒ Ƀǆǖƪ! ƧŏƧǀƙ!ƒ ƒŖnjƕ ǇŏĂǤǆ!ƒ

Ǥùnj!ĂǀƕƘưùǀ5 ƧùǆǕƒ ǇǖƞƙƪƒĂ ƘǤƕǫ Ŏ5 ƖƧƕƤ! Ǥŏƺ!ƒ ɃŏƧƒƥǗƒ Ƀǆǂơǆ!ƒ Ƙƥǉƙƪƒ ƥƿĂ

ƖƧùƕƤ!ƒ ƔǤơùƮƊ Ĭ!ǫ ǇĂƞ!ƒ ǄƨǀƙƒƁ!Ŗ ƥƺƕ ǇŏǉƺƷ!ƒ ƳĂưĂǆ Ŏ5 ǉƮ5!ƒ ǇǫɃŏơ ǇǆĂ ...."

:ɃŏƙǕƒ ǉǤƪǆ!ƒ ǇǖƞƙƪǗ

ɃùǆƥƤ! ɃƮùƮƤƙǆ!ƒ ɃǂƧƙƮǆ!ƒ ƽ5ƒƧǆ!ƒ ƒŖǂĂ ...ƘƉƮǉǆ!ƒĂ .... ƯƧǕƒ Ĭ!ǫ ǉǤǀƙǉǕƒ (1

Ǥùnjǆ!ǤƺǆĂ ǤǊƥĂƥùơĂ ɃùŏǀƺƼ!ƒ ǤnjƙơǤƪǆ ǇǤŏƕĂ ɃƺŏƕƷ!ƒ ĬƵ ǤnjƪǤŏƿĂ ǤnjƙǉŏǤƺǆĂ .....ƘƉƮǉǆ!ƒ ƁƙƙƁ

ƖƧƕƤ!ǤùƕɃùǆǂơǆ!ƒ ƘǉǤƺƙƪƒ ǤǉnjƼ Ǖ[3]"....ɃŏơǤƪǆ!ƒ ƷƒƧƤ!ƒĂ ǇŏǉƵǤƷ!ƒ ƘƒƥǉƙƪǆƒĬƵ ǤnjƙǀƕǤƷǆĂ

.ǉƿƒĂ!ƒ ĬƵ ƧǆǕƒ ǇǖƞƙƪǗ ǤnjǉǆƔƷƕ ƖƧƕƤ!ƒ ǉǊƊ ǤǊƒƧƞƊ ƘǤƕǫ ɃŏƪĂǂ

ǉƒǤùƪĂ ǇǉùǆɃŏùƪĂǂ ǇƒƧƕƤ!ƒĂ ƖƧƕƤ!ƒ ǉǆƵ ŎǉƥƧǗƒ ƳƧƮǆ!ƒ ǄƯǉŏ Ǆ! :ǄǭƥǗƐ Ĭǅ ƒƉǆ

.ĭƧƮǆ!ƒ ƳƧƮǆ!ƒĂ ŎƪǉƧ5!ƒ ƳƧƮǆ!ƒ ǤnjǆƯǉ Ǥǆǂ ƽŏǀơƙ!ƒ

(1) ɃŏƒƥǫǤƺǆ ɃŏƧƮǆ ǄǤǆ ɃŏƧƒƥǫ ǄƩǉƷ ǉƥƧ (23065) Ǖ!ƪǉ (ƽ 51) ǕɃǉǀƞ 2010/3/16 ǇǆǆƯǆ ǉƿĂǆ ǊǉǤǫǂƙǗƒ ŎǉĂƧƙǂǫ!ƒ.kenanaonline.com/users/lawing/topics/91188.

(2) ɃŏƒƥǫǤƺǆ ɃŏƧƮǆ ǄǤǆ ɃŏƧƒƥǫ ǄƩǉƷ ǉƥƧ (1413) Ă(1498) ǕɃǉǀƞ (ƽ 41) ǕɃǉǀƞ 2007/6/16 ǇǆƵĂǆǆƯǆ ǉƥǤƕǆ!ƒ Ǖ1ǖ Ǖ2007 ƒ 837.

(3) ɃŏƒƥǫǤƺǆ ɃŏƧƮǆ ǄǤǆ ɃŏƧƒƥǫ ǄƩǉƷ ǉƥƧ (1413) Ă(1498) ǕɃǉǀƞ (ƽ 41) ǕɃǉǀƞ 2007/6/16 ǇǆƵĂǆǆƯǆ ǉƥǤƕǆ!ƒ Ǖ1ǖ Ǖ2007 ƒ 837.

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NJùǁơďž ƨùǒƺ Ǒù5 ǴùNjƨƒƨp LJĂǂǒ5 Ɩƥǒƥƞ ƖƨǀƤ ƇƒƨƞǄ DžƖƘ Dž!Ă ƌƱƤ!ƒ ƒƦNj ǁƨƒƥƘƘ Dž! ƻǴLjƑƘƗŨƒ

.[1]" ƭ ƖLj!ƒ ƔƞĂƘƗdžĂ

ǐƨƒƥŰƒ ƽùǒƖơƘ!ƒ ýƑǴƗĂ LJdž ǂǁǒƗĂǂ ƖƨǀƤ!ƒ ƨǴƘƵǴ ǑLjƥƨŪƒ ǐƨƒƥŰƒ ƇǴư!ƒ ƨƖƘƗƒ ƥpĂ

ýƥƶ!ƒ ǂdžǂơdž ăƥ! ǴnjƘǴƖǒǀƱƘ ƖƨǀƤ!ƒ ƥƞƘĂ ǂǒLjƥdž!ƒ ƘǴdžǂǴơdž!ƒ ýĂƮD LJĂLjǴp Ǒ5 ƥƨĂ Ǵdž ƖǴƵƒƨdž ydž

ǂ ùǒơ ǂùǒLjĂƨƘǂ!Ǘƒ ýƑǴƗdž!ƒ Ǒ5Ă [2]ǂǒƗƥLjnj!ƒ ƘŮǴƞdž!ƒ Ǒ5 ǂǒƗƒƨƥ ƖƥǴnjƬ ǂ!ƥǴƶdž ýǴƞdž Ǒ5 Ǵǁƶ!ƒ

ýơdžǀ ƖƥĂƞĂdž!ƒ ƔǴƶ!Ǖƒ ƘŮǭ LJdžǀ ƻƬǂ!ƒ ƨǒƨƖƘĂ ǂLjǒǀ!Ǵǀ ƘǀƛƒƦƺ" NJLjdžǀ Ǵǁƶ!ƒ ýƥƶ!ƒ ǂdžǂơdž Ƙưp

ƔǴùƶ!D ǑùNjĂ Ǵnj!ǴdžƶƘùƗƒ ƳĂLjdždž ƨǒƺĂ ƖƨdžǴƖdž!Ǵǀ ýdžƶƘƗƘ ŮĂ ƨƨǀǒǁ5!Ǵǀ ǂnjǒǀƬ ƘƗǒ! ǑƵƥƘƗdž!ƒ

ŨƨƘĂǒǀdžǂ!ƒĂ ǐƨǴƘŨƒ ƔǴƶ!D ƘűơdžLJƌƬǀ ƇƒƨƨĂ!ƒ ƩǒƑƨ ǂ!Ăƥ ƺűǀ ǴnjǁdžƬǒ Ů ƱƖ5 ǂǒǁƗƘǁ! ýǴ5ƱD

.[3]"ǴƺǴ!ŰǴǀ ǴǒƖǒƖơ LJĂLjǴƖ!ƒ ĂD yƥƒĂ!ƒ LJdž ƩǴƗD ǏǁƵ DžƑǴp ƨǒƺ NJǁơdž ƽűƺǀ Ʊ5Ǵơdž!ƒ ƨƒƨp LJĂǂǒ5

DžǒùƱLjƘ ƘǴùƽ!ǴƤdž ýǴùƞdž Ǒù5Ă Ů[4]ǂùdžǴƶ!ƒ ǂdžűƗ!Ǵǀ ǂǁǁƶƘdž!ƒ ýƑǴƗdž!ƒĂ ǂǒLjǀŨƒ ýǴƞdž Ǒ5 ǴưǒDĂ

.[5]ǂǒLjǀŨƒ

Džùǂơ Ǒù5 ǐƨƒƥŰƒ ƽǒƖơƘ!ƒ ýƑǴƗĂ LJdž ǂǁǒƗĂǂ ƖƨǀƤ!Ǵǀ Ǵǁƶ!ƒ ýƥƶ!ƒ ǂdžǂơdž ƘLjǴƶƘƗƒ ƥpĂ

ƨùdžD LJǴù5ƨƱ!ƒ ǁƨùƘ (LJǒƨùǒǀƤ) ǂù5ƨƶdžǀ yƥĂdž!ƒ ǏǁƵ Ǵ5Ƭǂ Ƙƨƞƒ ƥp ǴLjƘdžǂơdž LJƺ" Ǵnj!ĂƖǀ Ǵnj!

ƯƨŨ ǂƖùƮűdž!ƒ ǂùƶƱƖ!ƒ ǁ!Ǵdž ƨĂǴƞdž!ƒ LJD :ƖƨǀƤ!ƒ ƨǒƨƖƘ LJdžưƘ ƥpĂ ǂdžǂơdž!ƒ Ǐ!ƺ ǴdžnjǀǴƤƘLjƒ

Ǒù5 ƖƨĂǴƞdž!ƒ ǂǒLjǀŨƒĂ ƳƨǴƬ!ƒ ƔĂƗLjdž LJƵ Ǵnjǀ ýƨLj NJưƨD Ǒ5 ǂǒĂƗƘ ƘǴǒƨ5ơǀ DžǴp ƥp ǑƵƥƘƗdž!ƒ

ǴùƶǀƘƨdž ǴdžnjLjǒǀ ýƮǴ5!ƒ ƥơ!ƒ ǏǁƵ ǑƵƥƘƗdž!ƒ NJdžǴpD ǐƦ!ƒ ƨĂƗ!ƒ ƒƥǀ ǂǒơǀ Džƨű!ƒ LJdž ƨƛǂD ǂǁƱLjdž!ƒ

ƥĂƞĂ Džƥƶǀ ýĂǁ!ƒ ǂƬpǴLjdž!! ǴdžnjƘĂƵƥ ƥLjƵ LJƒƨǒǀƤ!ƒ ƨƨǂĂ ǑLjĂLjǴp ƳǴ5ƘƨŰƒ LJdžǀ ƨǒƨƖƘ!ƒ LJdžưƘ Ǵdžǂ

(1) ƨǒǒdžƘ ƨƒƨp ŮƽĂǁơ (2012/1853) ƖǒƨǴƘ 2012/8/27 Ů ǂǁƞdž ǂǀǴǁLj ƒǀǁƵǴdž!ƒ LJǒƨǒLjƥŰƒ ŮLJǒǒƥ1)ƳŮ 2Ů (3Ů
2013Ů ƭ 323.

(2) ƵƥƵ ƨƒƨp Ǵǁƶƹ (75/40) Ů ǂǁƞdž ǂǀǴƽǂ ƘǁƑǒƞƚƘ ƥƨƥǒǒƥdž ŮƳŮ(6 Ů5) Ů1976 ƭ 785.

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[illegible]

.[1] [illegible]

[2] [illegible]

.[3] [illegible]

[illegible]

[illegible]

[illegible] [4] [illegible]

.[5] [illegible]

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(4) [illegible] 154 [illegible] 363 [illegible] 46 [illegible] 134 [illegible].

(5) [illegible] 1988 [illegible] 264 [illegible] 1995 [illegible] 104 [illegible] 24 [illegible].

[illegible]

[illegible]

[illegible]

[illegible] 1953/9/30 [illegible] 1889/7/22 [illegible]

[illegible] (1) [illegible]

[illegible] (2)

(1) [illegible] .70Ŀ58 [illegible] .363 [illegible]

(2) [illegible] .60 [illegible]

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[illegible] (1) [illegible]

[illegible] (2) [illegible]

[illegible] (F. Mallol) [illegible]

(3) [illegible]

[illegible] (36) [illegible]

(4) [illegible]

[illegible]

(1) [illegible] 368 [illegible]
(2) [illegible] 378 [illegible]
(3) [illegible] 171 [illegible]
(4) [illegible] (36) [illegible] (47) [illegible] 1972 [illegible]

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[illegible] .[1]"...[illegible]

[illegible] .[2]"[illegible]

[illegible] .[3][illegible]

[illegible] [4][illegible]

(1) [illegible] (1105) [illegible] 44) [illegible] 2003/10/25.

(2) [illegible] (844) [illegible] 45) [illegible] 2001/7/28.

(3) [illegible] (6708) [illegible] 45) [illegible] 2000/12/23.

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ǑďžƧƙ Ǒƙ!ƒ ƖƧŏƱƤ!ƒ ƘǗǴơ!ƒ ǇǅžǑǌ ƻƒƧơǉǗƒ ƘǗǴơ ǇǄ ƚŏơ ĭǅƧ!ƒ ƒƦǋ ƥŏƋŏ ƚơǴǆ!ƒǍ

.ǅǴƶ!ƒ Ơ!ǴƮ!ƒ ǇƷ ƖƥŏƶǄ ƯƒƧƩǄ Ĭ!ǫ ƖƧƒƥǗƒ ǴǌŏƼ

ƻƒƧơǉǗƒ ƘǗǴơǍ ƚǒŏƥǆƙ!ƒ ƘǴƷƨǴǉǆž!ƒ Ǎǋ ƔƮƤ!ƒ ǴǌǃǴƞǆžǍ ƖƥǴǌƬ!ƒ Ĭ!ǫ ǄǍƞǅ!ƒ ǇǄ ƥƞǉǍ

.ǎƧƤǕƒ ƚŏƧƒƥǗƒ ƘǴƷƨǴǉǆž!ƒ ǇǅžǴǋƧŏƸ ǇǅžƧƛƚǄ ƚƱǅƪ!ǴǆǄ

ƇǍùƞǅ!ƒ ĭƧƒƥǗƒ Ǒùư ǴǃǅǃǍ ǁƧƙǍ ƚŏǃŏǉơƙ!ƒ ƘǴǆƛǗƒ ǶƑǴƪǍ ƳƧƬǆž!ƒ ǄžƲǉŏ ǄǄǃ :ǄžƥƥǗƐ ĬƷǋ

ǁùǅƙ ǎƥùơǫ ƖƥǴǌƬù!ƒǍ 1952 ƚǉƪ! (30) ǅƮƧ ǑǉƥƧǕƒ ƘǴǉŏǆ!ƒ ǇǍǉǴƮ ǴǌŏǅƷ ƒ ǉ Ǒƙ!ƒ ǶƑǴƪǍǅ!

ǴǑǅƶ!ƒ ǶƥƶǄƒ ƚžƚơž ǇǍǉǴƮ ƧǴƬǄ ǴƿǉŏǆǆǕƚŏƧƒƥǗƒ ǎǍƷƥ!ƒ ƚƶŏǆƱ ǶǅžƯƧǴƶƙŏǓ ǴǅžǆǁǁƦǍ ǶƑǴƪǍ!ƒ

ƥǉƙƪŏ Ǒƙ!ƒ ƚŏƱƤ!ƒ ƘǴǉŏǆ!Ǵǆ ǎǍƷƥ!ƒ ƇǴƷƥƙƪƒ ƽƼƧŏ" ǋ!ǍǅǆǄ (14) ƖƥǴžƙƒǑƼ 1992 ƚǉƪ! (12) ǅƮƧ

ǁù!ƦǑùƼ ǅžǌǉƙƒƥǴǌùƬ Ĭù ǅƷ ƥžƙƶŏǇŏƦ!ƒ ƥǍǌƬ!ƒ ƇǴžƪǆ ƚžƑǴƥǍ ǉƒǍƷƥ ƘǴǆǫ ǑƼ ǑƷƥƙƪž!ƒ ǴǌŏǅǫŏǕ

ǶǍùƮǅ ǇǍǉǴƮ ǴǌŏǅƷ ƒ ǉ ǑƙƒǍ ƖƥǴǌƬ!ƒ ǑƼ ƚžǴƶ!ƒ ƥƷƒǍ!ƒ ĭƧƒƥǗƒ ǑưǴǃ!ƒ ƽǆƱŏǍ "....ƘǴǆƛǗƒ

.ƖƥǴǌƬ!ƒ ƒ ƤŏǴžŏƼ 1988 ƚǉƪ! (24) ǅƮƧ ƚŏǉƥž!ƒ ƘǴžƚǴơž!ƒ

ǴùǌƙǍǃǄ ƒ ǍƮƤ!ƒ ƒƦǌǆ ƚžƚơž!ƒ Ʃǅǉ ƘưǄ ƚŏơ ƚǒŏƥǆƙ!ƒ ƘǴƷƨǴǉǆž!ƒ ǶǴƞž ǑƼ ǴưŏǅǍ

ƥǍƥơ ǑƼ ƽŏǃǍơƙ!ƒ ǎƧƞ ƚŏơ ƧǍƚƦž!ƒ ǅǴǅǉ!ƒ ƽƼǍ ƘžƙƙǴǉžǌƞ ƘƒƇƒƧƞǕƒ ǉƦǋ ǇǄ Ǉǋǆƙ ƚŏơǍ"

ƦǍƤƋùž ǍùǋǴžǆ ǋƙǌƞƒǍžǍ ǑƷƥƙƪž!ƒ ƇǴƷƥƙƪƒ ǄžƼ ƚŏƪǴƪǕƒ ƘǉǴǅžư!ƒ ƖǴƷƒƧǆ ƚžǴƶ!ƒ ǶǍƮǕƒ

ǇǍƚƙƼ ǓǋƷǍƼƥǍ ǋ!ƒǍƥǄ Ĭ!ǫ ƚǉƞǅ!ƒ ƘžƙƙǴƒǍ ǄǂǄ ǄžǌƙƮƥǉž ǎƧƞǍ (ƥǍǌƬ!ƒ) ƚƼǴƚ Ĭ!ǫ ƘžƙƙǴƒǍ ǋǑǅƷ

.[1]"ǎƶƥ!ƒ ƽƒƧǍǄ ǇǅžǴžǑǅƪ ǴƮǗƮƙǴƒ ƚƮǅƮƙǴž ƽŏǃǍơƙ!ƒ ƚǉƞ! ǴǌŏǫǕ ƘǅƮǍƙ Ǒƙ!ƒ ƚƞŏƙǉ!ƒ

ƚŏƥƙǉƪùž!ƒ ƚùǌƞ!ƒ ǱùǅƱ Ǵùžǅ ...." Ƙ!ǴǆƼ ǑƩǉ ǶŏƙƚƼ ƖƥǴǌƬ!Ǵǆ ƚžƚơž!ƒ ƘǉǴƶƙƒǍ ƒƦǋ

ƖƥǴǌùƬ ĬǅƷ ƥǴžƙƷǗƒ ƨǍƞŏ Ǘ ǋǉǗ ǴǉǍǄǴƪ ƨƑǴƞ ƧŏƩ ǋǉǌƼ .....ƧǍƙƥ!ƒǍ ....ƧǍƙƥ!Ǵǆ ƥǴǌƬƙǕƒ

ƨùǌƶ!ƒ Ǒƙ!ǴùƠ ƘǍǆƛ ƘǆǋǍǅ ƥƿ ǑƷǴƥƙǋǗƒ ǇǴž ư!ƒ ǇǍǉǴƮ ǇǅžǍ (ǴǉǆǅǷ/47) ƖƥǴžƙƒǑƼ ǄǅǅƷ ǴžƘ ƥǍǌƬ!ƒ

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[illegible] ....(2)"[illegible]

[illegible] .(3)"[illegible]

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Ʀư ùp Ɨ öơ ƇƓʓ!Ǘƒ ăĂƵþ Ŏ5 ǂþǋƓT ƨƒƨl!ƒ ƨþƮƋ ƇƓƵþƙƪƒ ƨĂƞŏ Ǔ ǊǇ ƨƤǓƒ þŏl!ƒĂ

ǇùƋĂ ĭƨƒþǓƒ ƨƒƨl!Ɠ ǇƶƱ!ƒ ăĂƵþ Ŏ5 ǂþǋƓT ƨƒƨl!ƒ ƨþƮƋ ƇƓƵþƙƪƒ ƨĂƞŏ Ǔ" Ɠǌ!ĂlƗ ƗƋǂơƋ!ƒ

.[1]"ƗŏƨƓƞ!ƒ ƗƋǂƓơƋ!ƒ þĂþơ ƨŏʓ Ŏ5Ă ƚþƓǌT ǇĂþ ƔƓƪǕƒ ƗƋǂơƋ!ƒ ǋTpƓǉƙ Ǔ Ǉ Ĭ!Ă ƔƓ

ýŏǂĂ þƵƓƪƋ ƦƵþƙƪƒ Ɨ öơ ƨƒƨl!ƒ ƨþƮƋ ƦƵþƙƪƒĂ þŏl!ƒ ƒƦǌ ǇƵ Ʀ!þƵ ƗƋǂơƋ!ƒ ǇǂlĂ

ƗùŏƑƒĂ!ƒ Ɨǉƞ!ƒ Ŏǌ Ɠǋþư ĬƵþƙƪƋ!ƒ Ɨǌƞ!ƒ ƦǉƓǂĂ ƚþƓǌT! ƱŏƱƤƙ!ƒ ǇĂƋT! ăƨƗǂ!ƒ ǇƓƋƵ ƗǉƓƋǇ

[2]ƚþƓǌTù!ƒ ǁùǁƙ ĬƵ ƓǌƋǂơ Ŏ5 ƗƋǂơƋ!ƒ Ʀþǉƙƪƒ Ɨ öơ ăƨƗǂ!ƒ ǇƓƋƵ ƗǉƓƋǇ Ŏ5 ƗŏǉƗǕƒĂ ƋŏƱǉƙ!

.lƨƗƤ!ƒ ƨŏƨlƙ! Ɨ5Ɠư ǗƓ

ƗŏùƪĂ ƦùǉƓǂ ýƗ ƚþƨƼǉƋ ƗŏƪĂǂ ƚþƓǌT!Ɠ ƦƤƙ Ƌ! ƗƋǂơƋ!ƒ Ǉ ƫƓƪ!ƒ Ƌǂơ!ƒ ǇƋ ǊƙǉƙƪǇ

ƗŏùƪĂǂ Ɠǌŏ!ƣ þƓǉƙƪǕƒ ǇǂƋŏ Ǔ ƚþƓǌT!ƒ Ǉ ƨƤƈ ĬǉƵƋƗ .lƨƗƤ!ƒ ƨŏƨlƙ Ŏǌ ăƨƤ ƗŏƪĂ! ƗŏƋǂƙ

.ƦƓƛǗƒ ýƑƓƪĂ ǇƋ ăƨƤ ƗŏƪĂ ƓǌƵƋ ǇĂǂŏ Ǉ þƗ ǚ5 ƚþƨƼǉƋ ƦƓƛƣ

Ŏù5 ƫùŏlơƙ!ƒ Ɨǉƞ! ƋƓƋƋ ƓǌƗ Ŏ!þǕ Ŏƙ!ƒ þĂǌT!ƒ ƚþƓǌTƗ ƓŏƵ!ƒ ýþƵ!ƒ ƗƋǂơƋ ƦǉƓƵƙƪƒ þpĂ

þƵƗ þĂǌT! ƦƵƋƙƪƒ Ɨǉƞ!ƒ ǇĂ ...." Ɠǌ!ĂlƗ Ɠǌ! Ƌǂơ Ŏ5 ƇƓƞ Ɨ öơ ƗƼƱĂƋ! ƗŏǂƪƋ Ɨ5!ƓƤƋ ƦƓƛǗ

Ƌù ƛ Ɠǌŏ!ƣ ƚþǉƪƋ!ƒ ƦƓ5!ƓƤƋ!ƒ ƦƗǂƙƨƒ þp ƗŏƵþƙƪƋ!ƒ ǇƋ ƓǌƙƓlŏlơƙ ǇƋ Ɠǌ! ǇŏƗƙĂ ŎǉĂǉƓl!ƒ ƋƪlƒƋ ƋǌƑƒþƋ

.[3]"....ǇĂǉƓl!ƒĂ ǅlƼƙƋĂ ǅơŏơƮ ǉƨƒƨp ǇĂǂŏ5 ....ƋŏƋƵƙ!ƒĂ ƗŏƗƨƙ!ƒ ƨŏþƋ Ĭ!ƣ ƓǌƨŏƨlƙƦƵ5ƨ

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ǓǇƓƋƋöǂƪ ƒĭƳ ƞþƐƋ ƨþƋǂǛ ƗǛǂƨǛǂƒƋǉƨ) ƗǛǂƨǉǂƪ ƪƞƨƫƓƪ Ǔƫ ƗƓƪ 360 ƒ .

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Ǵùdž ʦþùƮ DžþƵ ǏǐƵ ǍĐ ƻ!Ǵơ!ƒ Ŋ!ǍǀŏǴdž ʦþƮ ǏǐƵ Ǐ!ǴƶƘ Ÿƒ þǴǌTǫ" ǑǋǍ :DžĩĐžĩǁǁ ƑDžċ

þùơĐ Ǵnjŏþƌŏ Ǒƙ!ƒ ǑǋǍ Ü(2)ƗdžƪǴơ!ƒ ǇŏdžŏƒƑ Ǐdžƪŏ ýǍǕƒ ǇŏƵǍǉ Ǐ!ǫ DžƪǀƘǍ .(1)"ƧƤǓƒ DžƮƤ!ƒ Ŋ!Ǎǀŏ

Ǒƙ!ƒ ǑǋǍ Ü(3)ƗdždžƘdž!ƒ ǇŏdžŏƒƑ ǑǉǴƛ!ƒǍ ŊdžƮƤ ŊŏǐƵ ǴǋþƧŏ Ǒƙ!ƒ ǍĐ ŊdžƮƤ ƔǐƱ ǏǐƵ ǭǴǉǖ DžǍƮƤ!ƒ

ƗùǉŏǖơǐƮùƙ Ǔ ƘdžþþǑƙ!ƒ ƘǴǉŏǖ!ƒ ƘǉǴǂ ƒƦǫ DžǍƮƤ!ƒ þơĐ Ǐ!ǫ ǴnjƪƽǉǇǴǀǐƙ ǇǊdž Ɨdžǂơdž!ƒ ǴnjnjƞǍƙ

Ɨùdžǂơdž Ƙưƥ ƚŏơ ÜyƪƒǍ ýǂTǖ Ǒǉþdž!ƒ ǇǴưǀ!ƒ DžǴdžĐ ǴnjǀŏǖƱƙ ýǴƞdž ǇŏdžŏƒƑ þƞƙǍ ÜƘǴƛǘ! ƗǐdžǴǂ

ƨùƞƵ ƯƧƙƶdž!ƒ ǇĐ Ǐ!ǫ ʦǖǴƪ!ƒ ƯǀǉƗ!ƒ ƧƒƧƥ Ǒƽ ƨŏŏdžƙ!ƒ Ɨdžǂơdž ƘǐƮǍƙ ƒƦǫ ...." Ǵnj!ǍǀǖƨŏŏdžƙƗ!ƒ

ǇŏdžŏƒƑ ŊŏǐƵ ƯƧƙƶdž!ƒ ŊdžƮƤ ƻŏǐơƙ ŊǀơǇdžǇĐǍ ....ƗŏþƶƘdž!ƒ ƗŏǉǍǉǴǀ!ƒ Ɨǉŏǖ!Ǵǖ ǉƒǍƵþ ƘǴǖƛǫ ǇƵ

.(4)"....ƗdžƪǴơ!ƒ ǇŏdžŏƒƑ ŊŏǐƵ ƯƧƙƶdž!ƒ ƻǐơǍ Ưǀǉ!ƒ ƻǴǉƑƙƪǓƒ Ɨdžǂơdž ƘƶǖƙǴƽ ƗdžƪǴơ!ƒ

ǇǴưù!!ƒ Ǒùƽ Ǵùnjŏ!ǫ ǇǍƞǐ!ƒ Džƙŏ ƘǴǖƛǫ Ɨǐŏƪǂ ǇŏdžŏƒƑ ƻǐơ ǇĐ ʦǖǴƪ!ƒ Džǂơ!ƒ ǇdžNjƙǉƪǉ

ƻǐơ Ǖǫ ŊdžǴǴdžĐ ǏǀƙŏǓǍ ƗơǴƙdž!ƒ ýƑǴƪǍ!ƒ ƗƽǴǂǖ Ŋǀơ ƘǴǖƛǫ ǇƵ ǇǇT!ƒ ƔơǴƮ ƨƞƶŏ ǴdžþǉƵ Ǒǉþdž!ƒ

.ǉǴƺƙǖdž Ǐ!ǫ ýǍƮǍ!ƒ Ǒƽ ƠǴdžĐ Ǵnjŏ!ǫ ƌƞǐŏƽ ǇŏdžŏƒƑ

ƊþùƵ ǏùǐƵ ǐƧƒþǓƒ ǇǴưǀ!!ƒǍ Ŋǀƽ!ƒ ƧǀƘƪƒ ƚŏơ ƻǐƘƤdž ƴưǍ!Ǵƽ ǐƧƒþǓƒ ǇǴưǀ!ƒ Ǒƽ ǴdžĐ

Ɨùƶŏǖƽǖ ǍǴùƶ!ƒ ǍǴùǕǉ!Ǵǖ ýƮƙƙ ƘƒƧǴǖƙƵǓ ǁ!ƦǍ ǕǐƧƒþǓƒ ƘǴǖǕƒ Ǒƽ ǇŏdžŏƒƑ Ǐ!ǫ ǇǍƞǐ!ƒ ƨƒǍƞ

.(5)ǀƧƒþǓƒ ǴdžNjþơĐ ǇŏƽƧƱ Ǉŏǖ ƊǍǀƙ Ǒƙ!ƒǍ ƗŏƧƒþǓƒ ǎǍƵþ!ƒ

(1) ǕǐƧǍǉǉƪ!ƒ ǕǐƧǍƪ!ƒþǖƵ ǕʦƒƨƧ!ƒþǖƵ ǕʦƒƨǐǉǉǫǍ ǏƺƵ ǕǐƧǍƪǍǉǐƙ ƒƞǍ ƊþƪǍ ǕǋƶƑƞ ǕǐǍǏƞǍǉǉǉ ǕʦǖǴƪ ǕǇƪǀƙ ƞǋƧdž Ǖ1956 ǕƗǖǍƪ .514 ƒ ǕǏƪǍƘdž

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(2) ƧƯǉĐ ǀþǴdž!ƒ (53) ǇdžƵ ǇǍǉǴǉ ƘǴǉŏǖ!ƒ ǑǉþƧǕƒ ǍƧǉǇƧ(30) Ɨǉƪ! 1952.

(3) ƧƯǉĐ ǀþǴdž!ƒ (70) ǇdžƵ ǇǍǉǴǉ ƘǴǉŏǖ!ƒ ǑǉþƧǕƒ ǍƧǉǇƧ(30) Ɨǉƪ! 1952.

(4) ƨŏŏdžƙ ƯǀǉƗ ǕʦǍǀơ ƧƒƧƥ Džǉƨ (2010/81)Ǖ ƞǉŏƧƙ 2010/7/12Ǖ ǉǂǍǍǉ ǇǍǴƪƙ ƖƵǍǏǉ ǍƞǉǍǇǏǖǕǉ ǕDžǐǏǉǉǏǉǍǉǕǉ Y(4 Ǖ5 6)Ǖ

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(5) ǀǍƧǉŏǌ!ƒ ǕǈǉǖǴǉǉ ǕýǴƵǉƵ ƗǐƞǉǉƘ ƊþǉƙǍǉ ǕǉǉǍǂƘƞǉǉ ǉǍǉǉǉƒǉ ǏƺƵ ǀƑǴƙǕǉ ǏǉƵǉǉǉ ǏƪǍǇǉǉǇǉ ǕǐǍǉǉǉǉǉ Ǐƺ ǁǉǂǉǉƮǂƑƮƑƮǀ

ƯǋƧdž ǕƗǂǉǉǉǉǕǉ ǉǉǉǉǉǉ Ǐƺ ǀƑǴƙǕǉ ǉǉǉǉǉǉ Ǖþ!ǴƤ ǕƗǉƧǴƱǀ!ƒ .158Ǉ156 ƒ ǕƗǖǍƪ ƯǋƧdž ǕƑǉǂǉǉǉ ǕǉǉǉǉǉǉǉǉǉǇ

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Σ ù ǂžħ ƧǒĂƨƙ!Ǵùħ ƴƼþù!ƒ ƘƒƇƒƧƞǫ Ǐ!Ƶ ǑǉþƧǕƒ Ǒǉþǆ!ƒ ƘǴǆǂǴơǆ!ƒ ýĂƮǋ ǇĂǉǴƿ ƒ ǉǒ Ǆ! .10

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.ƧǒĂƨƙ!Ǵħ ƴƼþ!ƒ ƘƒƇƒƧƞǫ ǄǒƱǉƙ Ǐ!Ƶ Ƙ Ʈ ǉ Ǒƙ!ƒĂ

ƇƒĂù ƪ ǇǒùǆǒǑ!ƒ Ǐ!ǫ ƇĂƞ!ƒ ƨƒĂƞ ǄþƵ Ǐ!Ƶ ǂƪƒƧþ!ƒ ǇƒþħǑ5 ǐ ƧƒþǗƒ ƇǴ ư ǀ!ƒĂ ǊǀƽƑƒ ƧǀƙƪƒƑ .11

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þƧùƽ!ƒ ǁ!Ʀù ǂĂ ǇǒùǆǒǑ!ƒ ǴǌƽǒǀơƙƧĂ Ʈ ƙǒ ǙĂ ǛǀƧƒþǗƒ ǴǌǒƽƧƱ þơǄ ǇĂǂǒ ǂǒơ ƇǴƺ!Ǘƒ ăĂƵþ

.ǀƒĂǴƪǆ!ƒ Ǆþħǆ! ǶǀǒǀơƘ

ǂƞƧþ!ƒ Ǒ5 ǂǒƧƒþǗƒ ǄǂǴơǆ!ƒ ýƶƞ Ǵǆ ƒƦǌĂ ǇǒƙƞƧþ Ǐ!Ƶ Ƨ Ʈ ǆĂ Ǵƪǉƽ5 Ǒ5 ǐ ƧƒþǗƒ ƇǴ ư ǀ!ƒ .12

ǇùǆǄǴǂơǕƒ ǁǀƙ Ǐ!Ƶ ǂǒƑǴ ư ƿ ǂħǴƿƧ þĂƞĂ! ǴǌǆǴǂơǄ ǴǋƧƒþ Ʈ ǫ þǉƵ ƧƦơĂ ǂƿþ ƧƛǂǄ Ǐ!ĂǕƒ

ǇþƧǕƒ ƧǒƪùǑ ǐ Ʀ!ƒĂ þĂƬǉǆ!ƒ ǐ ƧƒþǗƒ ƇǴ ư ǀ!! Ǒ!ǆƶ!ƒ ƽǒħƱƙ!ƒ Ăǌ ƒƦǌĂ ǂƞƧþ Ǐ!ƵǄ ǂǆǂơǆ

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ƇǴ ư ùƿ ƇǴƬùǉǫ 2 þǌħ ǂǒǆƪƧ!ƒ ǀþǒƧƞ!ƒ ǇǆǇ 2011/ 10/1 ơǒƧǴƙ 5117 þþƶ!ƒ Ǒ5 ƧĂƬǉǆ!ƒ

ǑùǉþƧǕƒ ǐ ƧƒþǗƒ ƇǴ ư ùǀ!ƒ ǇĂǉǴƿ ƳĂƧƬǆ ǮƧƤǆǆ ƔƒĂǉ!ƒ Σ!ƞǆ ƦƿǄ ǇǒƙƞƧþ Ǐ!Ƶ ǐ Ƨƒþǫ

.ǑƑǴǌǉǉ!ƒ Ǌǀ!ǂƬħ ǉƧƒƧƿǕ ǊǒƑǴǌǉǉ!ƒ Ǌ!ơƒƧǆ Ǒ5 ĂǌĂ

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: lƑĭŢǋǂǁ

Ǵùŏ!Ǵơ ƯǍƧƶǆ!ƒǍ ĭƧƒþŰƒ ƇǴư l!ƒ ǈǍǇǴp YǍƧŢǆ ƨǴȠǇǄ YƒƧʅŰǴ YȠŢǆ!ƒ ƚơǴ!ƒ ǑŢǍő .1
ĭƧƒþŰƒ ƇǴưùl!ƒ Ɣùpƒƨő Ĭƙơ Ʀőƽǈƙ!ƒ ƴưǍǆ Ǒƽ ǋǃƶȠǍ ǋǃőǃƵ ƚpþǴŢǆ!ƒǍ ƚǆŰƒ ƩǃȠǆ ĬǃƵ
. ƴpƒǍ!ƒǍ ƚlől ơ!ƒ Ĭ!ǫ ǴƨpǍ ƚpþ ƧƛǂƉ ǋǆǴǂơƉ ǈǍǂƙǍ ǋʅƽǈ ǋǆǴǂơƉ ǋʅƽǈ

ƚőƧƒþŰƒ ǑưǴlƙ!ƒ ƘƒƇƒƧȠǫǍ ĭƧƒþŰƒ ƘǴƛŰǴ ƚŢǴƤ ƘǴƶőƧŢƙ ǈʅ YȠŢǆ!ƒ ƚơǴ!ƒ ǑŢǍő .2
ăǍƵþù!ƒ ƚƶőƱ ƴǆ ǄȠʅǇő Ǵǆ ĭƧƒþŰƒ ƇǴư l!ƒ Ǒƽ ƚőǌlƽ!ƒǍ ƚőƑǴư l!ƒ ƘƒþǴǌƙȠŰƒ Ĭ!ǫ ƺþǴǇƙʅƒ
ƴùǆƶ!ƒ Ǒƽ ƺƧőǂ ǴƱǍŢ ƒǍƶƱp ƚőơ ƧŢǆǍ Ǵʅǈƨƽ Ǒƽ YǍưǍǆ!ƒ ǄőƲǈƙ ƧƒƧƺ ĬǃƵ ƚőƧƒþŰƒ
.ƜǍþƨǆ!ƒ ƇǴưl!ƒ ǄǴƲǈǄ

ǈǍǇǴùp YǍƧŢǆ ǈǆư ƚőƧƒþŰƒ ăǍƵþ!ƒ ƨőươƙ ƚŢǴƤ ƚőƑǴưp ƚǌȠ ƇǴŢǇǄ ƚơǴ!ƒ ǑŢǍő .3
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.ăǍƵþ!ƒ ǑƽƧƱ ǈǍǄ ǈƨƒǍƙ!ƒ lþǴƵǫ ƻþǌǄ ŰǴǌő ǄǂơőǍ ăǍƵþ!ƒ

ǈùǆ ǈǍùƚő ƚőơǄ Ǒǂlƙʅǆ!ƒ ĭƧƒþŰƒ ƇǴưl!ƒ ǈǍǇǴp YǍƧŢǆ Ǒƽ ƨőǍƨƙ!Ǵ ƴƽþ!ƒ ƚ!ǃʅǆ ǄőƲǈƙ .4
Ǒ!Ǵùƙ!ǴǍ ƚőƑǴưl!ƒ ǄǴƚơŰƒ ƧƒƧlƙʅƒ ƻþǌǄ ƠőƧŢ ƴƚŢǍ YǍƽþ!ƒ ǁǃƙ ƴƛǆ ǋŢǴŢƙƤƒ ǈǆư
.þƒƧƽǜ! ƚőǇǍǇǴl!ƒ ƨƚƒƧǆ!ƒ ƧƒƧlƙʅƒ

ǋùơǇǆǍ ƚùőǇǍǇǴl!ƒ ƒ ǍŢǇ!ƒ ƴǜƤ ǈǆ ƚőƧőþlƙ!ƒ ǋƙƱʅǍ ǑǴǴȠőŰƒ ǑưǴl!ƒ ƧǍþ ĬǃƵ þőƚǆƙ!ƒ .5
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.ƴƑǴʅǍ!ƒ ǁǃƙ ǈǆ ƘǴǛǫ ƚǃőʅǍƚ ǈőǆő!ƒ þǴƶǄƙʅǍ ƇǴƺ!Űƒ ăǍƵþ

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ƨŏĂƱƙ! ĭƨƮ ǆž!ƒĂ ŎƪǉƨƼ!ƒ ĭƨƒƥŰƒ ƇƓư!ƒ ǄƓƱǉƛ ǋǉƓƶƙƪŰƒ ŎǉƥƨǕƒ ƳƨƮǆž!ƒ ƚơƓƛ!ƒ ŎƮĂŏ .6

ƨ5ĂùŏĂ ƚùŏƨƒƥŰƒ ƓŏƓư ù!ƒ ƥƥƵ ǀƥƓŏƨ ǊƞƒĂŏĂ ƨĂƱƙ!ƒ Ɣǂƒ Ăŏ Ĭƙơ ŎǉƥƨǕƒ ĭƨƒƥŰƒ ƇƓư!ƒ

:ŎǊ ýƑƓƪĂ ǀƥƵ ýǚƤ ǇǆǆžǁǁRĂ ýƓǆž!ƒĂ ƘƿĂ!ƒĂ ƥǌƞ!ƒ

- ǇĴǉƓǀ!Ɠƅ ǇŏƮƙƤǆž!ƒĂ ǀƓǆžƓơǆž!ƒ ýƓǆžƵƊ Ŏ5 ǀƨƅƤ!ƒ ĭĂƦ Ǉǆǆžƚŏ5Ɠǂ ƥƒƥƵƈ ǇŏǉǊƋǆž ǀƓưƿ Ǉŏŏƶƙ
  .ƘƓƶǆžƓƞ!ƒ Ŏ5 ǇŏƪƨƥǆžƼ!ƒ ǇǆǆžĭƨƒƥŰƒ

- ǇĴǉƓù!ƒ Ŏù5 ǇŏƮƙƤǆž ýƑƿ ǇǆǆžǅǌǉŏǊǆƙĂ ǇŏŏƨƒƥŰƒ ǀƓư!ƒ ǇŏĂǂƙ! ƚƮ ƮƤƙǆž ƚǌƞ ƇƓƬǉƺ
  .ĭƨƒƥŰƒ

- ýƶƞ ĭƨƒƥŰƒ ƇƓư!ƒ ǊĂ ƔơƓƮ ƚŏŰĂ!ƒ Ŏ5 ƨƱǉ ƘƓƵƨƓǆž!ƒ ƚŏƨƒƥŰƒ ƚ5Ɠǂ.
- ƇƓƬǉƺ ǅǂƓơǆž ƚŏƨƒƥƺ ƚƞƨƥ ýĂƊ ĭǁƵ ǆžƪĂƘ ăĂƙǆž!ƒ ƘƓƱ5ƓơǆžĂƊ ǄǉƓƿŰƒ ǅŏ!.

- ƨ5ƨ ǀƓ5ƚ ǀƓư!ƒ ǇŏŏǉƥǆžƼ!ƒ ǇŏǆžƓǆžƓƵ!ƒ Ŏ5 ƇƓư!ƒ ĭƨƒƥŰƒ ǇǆǆžýǚƤ ƙƓǌƿƓơ!ƺ ƘƒƨĂƥƈ ƚùŏǆƤƒƥ
  ǇĂƥƨùǆž!ƒ ŎƑƓư!ƒ ǄƓƱǉ!ƒ ƘƒƦ ýĂƥ!ƒ Ŏ5 ĭƨƒƥŰƒ ƇƓư!ƒ ƚǆžƱǉƊ ĬǁƵ ƳǚƱǘ! ƚŏƞƨƓƤĂ
  .ƾǛƤ!ƒ ŎƵƒƥƅŰƒ ƨĂƥ!ƒ Ĭ!ƺ ǅǌǉƈ ǉƓƞƙŰƒĂ ŎǆžƓƱǉ!ƒ ƇƓư!ƒ ƚŏǁƵ ǇǆǆžǅǊƨŏƨơƙ Ĭ!ƺ ǛĂƮĂ

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.1992 ÜŁǒƧþǉǂƖŰƒ ƾĂlơ ÜbƑƸǁŰɛ bƑƮƷ ÜLJƖơdž ÜýǒǁƤ .9

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.1979 Ü1Ʊ

ŁƒƧùǩ!ƒ ǴǑǒơƍ Ƨƒþ Ü2Ɯ ÜƣǐƣɯǁɛǏǆƣDŽǁɛ DžǋǆƑƾǁɛ Ɲþ Ɩ Ǐƺ UǐƨǋǁɛÜƾƒƨƧ!ƒþƕƵ ÜǐƧĂǌǉ Ɩ!ƒ .11

.1956 Ü1952 Ü1Ʊ ÜƘĂƧǒƕ ÜŎƕƧƺ!ƒ

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.1982 ÜŁǒƕƧƺ!ƒ

Ƨƒþ Ü1Ʊ ÜăþƐƣŰɛ bƑƮøƾǁɛ !ƑøDžǅ ǏøƮƑƾǂǁɛ lƐbƐþɯǁ DžűƯǴ ÜþĂdžơdž ǏƷƱƮdž ÜŎǉǒƕƧƬ!ƒ .12

.2006 ÜŁǒƧþǉǂƖŰƒ Ülþǒþƞ!ƒ ŁƺdžǴƞ!ƒ

ÜŁƽǴǀƛ!ƒ Ƨƒþ ÜŁƛ!ǴƛǃƒŁƺƕƱ!ƒ ÜŎǉǴƛ!ƒ Ǵƨƞ!ƒ ÜăþƐƣŰɛ bƑƮƾǁɛ ƕYǋƨǋDž ÜƧǴƱƤ Ŏǁ Ƶ ÜǐĂǴǉƱƬ .13

.2011 ÜLJǴdžƵ

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ƭùǔǁƭ ÜǉƒƧĂùǀƭƥ ƭùơĂƧƱ ÜăƥƐƣŪƐ ǅǸǊǜƑƫǁƐ Ĭ ƺ ǀ ƑǀǀŪƐ ƕǐƥƲǜ ÜǈǁƥƤ!ƒ ýǀǅƭ ƥǜơƱ ÜĬ ƪĂǜ .1

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Means of Evidence in the Abrogation Case

(A Comparative Study)

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Abstract

This study aims at explaining, analyzing and surveying the means of affirmation in abrogation case through which the person concerned could confirm his right in the view of the law So that it must be respected in the light of the legislative shortage represented by the lack of special law for the administrative affirmation and enjoying the administration with wide powers, which upsetting the balance between the parties of the lawsuit. So the administrative judge resorts to apply the civil laws of Evidence.

The study has been addressed through an introductory chapter and three chapters.

The introductory chapter has included the nature of evidence, its importance, its doctrines and the position of jurisprudence and administrative judiciary. It has also indicated to the characteristics of the administrative litigation procedures, administrative evidence, factors affecting it, the positive role of the administrative judge in affirming the abrogation case from preparation of the case and assigning the parties to the proceedings to file the necessary documents for adjudication in order to restore balance to the parties to the proceedings, which is disturbed as a result of the administration authorities.

The first chapter has discussed the written evidences as a way of administrative evidence, including the official and regular deeds. It has also shown the extent in which these deeds are authenticated in the administrative evidence. This chapter has shown the administrative documents and the extent in which these documents are authenticated.

Then it has talked about appeal to falsification in the written evidences, then Outlining the abrogation case because of its importance.

The second chapter deals with the two types of presumptions: legal presumptions and judicial presumptions in terms of their definition, characteristics, elements and some practical applications in front of the administrative judiciary.

The third chapter has dealt with the inquisitorial means for the administrative evidence, namely: Interrogation, Recognition, Preview, Experience and Testimony. Oath has been excluded as a means of administrative evidence as agreed by the jurisprudence and administrative judiciary in the countries of study.

In light of the findings of the study, there have been recommendations, notably: accelerating the pace of the completion of legislation governing related to establishment of an administrative law at two degrees based on article No (100) of the Jordanian Constitution, development of legislation for the administrative evidentiary and procedures of administrative litigation, emphasis on the positive role of the administrative judge and his discretion to affirm the abrogation case, regulating the issue of appeal to falsification before the administrative courts, and finally forming a judicial body for preparation of abrogation case before being presented to the court as it is in France and Egypt.

Keywords: Means of the administrative evidentiary, Administrative proceeding, Abrogation Case.

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